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12 SUPERIOR COURT OF STATE OF ARIZONA
13 COUNTY OF YAVAPAI

14 STATE OF ARIZONA,

15 Plaintiff,

16 vs.

17 JAMES ARTHUR RAY,

18 Defendant.
19
20
21

CASE NO. V1300CR201080049

Hon. Warren Darrow

DIVISION PTB

**DEFENDANT JAMES ARTHUR RAY'S
MOTION TO EXCLUDE PROPOSED
EXPERT TESTIMONY OF DOUGLAS
SUNDLING**

22 Defendant James Arthur Ray, by and through undersigned counsel, hereby moves to
23 exclude the testimony of proposed expert Douglas Sundling. This motion is supported by the
24 following Memorandum of Points and Authorities.
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27
28

FILED
8:42 O'Clock A.M.
MAY -4 2011

SANDRA K. MARKHAM, Clerk
Stephanie Kling

1 **MEMORANDUM OF POINTS AND AUTHORITIES**

2 **I. INTRODUCTION**

3 The State seeks to call Douglas Sundling to testify as an expert regarding sweat lodges.
4 Mr. Sundling should be excluded from trial for three reasons. First, the State informed the
5 Defense in January that it did not intend to call Mr. Sundling in its case-in-chief in response to a
6 defense request to interview Mr. Sundling before trial. The State's mid-trial change has denied
7 the Defense a realistic opportunity to interview Mr. Sundling (who lives in Indiana) or prepare for
8 his testimony. Merely including Mr. Sundling on the list of 79 trial witnesses that the State has
9 filed with the Court is not meaningful notice, particularly because this list, even though
10 repeatedly amended, includes witnesses that the State has said it will not call, as well as witnesses
11 the Court has explicitly ruled excluded. The extremely over-inclusive and vague nature of this
12 list has impeded orderly trial preparation. Second and more critically, the State has not met and
13 cannot meet its burden to show that Sundling is qualified as an expert under Rule 702 on sweat
14 lodge ceremonies. Mr. Sundling is a painter and quilter who has taken such a keen interest in Mr.
15 Ray's case that he runs a website called www.bogus-sweatlodge.com (attached as Exhibit A),
16 devoted exclusively to criticizing Mr. Ray and sensationalizing the facts. Nor is there any
17 established standard of care for sweat lodge ceremonies about which Mr. Sundling, or any other
18 witness, could legitimately testify.

19 Third, even if Sundling could qualify as an expert on the standard of care for sweat lodge
20 facilitators, which he cannot, his testimony, as evidenced by the statements on his website, would
21 be so poisoned by character attacks that it must be barred by Rule 403. Among many other
22 unfounded and disparaging comments, the website states that Mr. Ray "was the young sorcerer's
23 apprentice of Walt Disney's Fantasia minus the Mickey Mouse ears and the desire to clean up his
24 deadly consequences," and that "[t]he lack of any emotion that many testified dominated Mr.
25 Ray's face, his minimal attempts at helpful action, and the absence of any sense of urgency as he
26 began to recognize the carnage at the end of his sweat ceremony could well have been the look of
27 shock and disbelief a CEO has as the vision of the golden opportunity to expand the bottom line
28

1 evaporated.” Exhibit A, at 38, 39; *see infra* pp.7–8. For all three reasons, Mr. Sundling’s
2 purportedly expert testimony must be excluded from this trial.

3 **II. STATEMENT OF FACTS**

4 After the October 8, 2009 incident, Douglas Sundling, a private citizen in Indiana, took
5 an interest in Mr. Ray’s case. Mr. Sundling made public records requests and received copies of
6 search warrants, affidavits and returns with photos taken during the execution of the warrants;
7 911 calls and radio traffic recordings; YCSO reports and supplements; the indictment & arrest
8 warrant; and redacted autopsy reports. Then, in a letter to detectives on February 5, 2010, he
9 explained his pointed views: “[T]he sweat lodge is not a service to be priced and bought. That
10 was the main reason Martin Luther nailed his so-called 95 Theses to the door of the church in
11 Wittenberg, Germany -- to challenge the Pope papacy charging for indulgences.” Letter from
12 Douglas Sundling to detectives, 2/5/10, at 3 (Exhibit B); *see id.* (“Mr. Ray claiming he could
13 conduct a sweat ceremony might be akin to a Cessna pilot claiming he can fly a commercial
14 airplane because he observed others doing it.”).

15 Sundling’s letter was not disclosed to the Defense for ten months. In its 21st Disclosure
16 on December 2, 2010, the State disclosed Mr. Sundling as a witness, stating that he “[w]ill testify
17 as expert on construction of sweat lodges, sweat lodge ceremonies; role of sweat lodge facilitators
18 and helpers.” State’s 21st Disclosure, 12/2/10 (Exhibit C). The State included the February 2010
19 letter and an “booklet” entitled “The Sweat Lodge an Interpretation,” attached as Exhibit D. The
20 State disclosed the contents of Mr. Sundling’s “bogus sweat lodge” website in its 24th and 25th
21 Disclosures, on December 23 and December 29, 2010.

22 On January 7, 2011, the State notified the Defense that it “may call Mr. Sundling as a
23 rebuttal witness, and reserves the right to call him in its case-in-chief,” and that “[a]ccordingly,
24 the State is providing information relating to his anticipated testimony.” Letter from Sheila Polk,
25 Jan. 7, 2011, at 2 (Exhibit E). The State added that “Mr. Sundling will testify about matters
26 contained in his publications; how a sweat lodge ceremony is typically conducted; and will
27 contrast this information with the methods used to conduct the sweat lodge ceremonies at the
28

1 Defendant's Spiritual Warrior seminars. Hypothetical questions will be posed as necessary." *Id.* at

2 3.

3 The Defense responded with a request for clarification:

4 "In the State's 26th disclosure and letter of January 7, 2011, the
5 State indicated that it has not 'formally retained [Mr. Sundling] as a
6 witness' and that the 'State may call Mr. Sundling as a rebuttal
7 witness, and reserves the right to call him in its case-in-chief.'
8 Given the very tentative nature of the State's intention to call Mr.
9 Sundling, it appears that we may be incurring unnecessary expense
10 in traveling to Indiana to interview Mr. Sundling and taking up
11 valuable judicial resources in filing a motion to preclude or limit
12 Mr. Sundling's testimony at trial.

13 Judge Darrow indicated in yesterday's status conference that he
14 would like for the parties to make a good faith and earnest effort at
15 identifying the parameters of its case and providing full disclosure
16 to avoid surprises at trial. **Could you provide us with more
17 certainty as to whether the State intends to call Mr. Sundling in
18 its case-in-chief so that we can assess the need for a defense
19 interview and motion regarding Mr. Sundling?"**

20 Letter from Truc Do to Sheila Polk, 1/14/11 (Exhibit F).

21 The State promptly responded by email: **"Truc, we no longer intend to call Mr.
22 Sundling in our case in chief."** Email from Bill Hughes to Truc Do, 1/14/11 (Exhibit G).

23 Relying on the State's representation, the Defense did not interview nor prepare for the testimony
24 of Mr. Sundling prior to trial.

25 On March 10, 2011, the State notified the Defense that "Because of the issues you raised
26 in opening, the State has now determined that Mr. Sundling's testimony is relevant and we plan to
27 call him as a witness in the State's case-in-chief. We anticipate that Mr. Sundling will testify
28 about how to conduct a ceremony in a sweat lodge and the role and the responsibilities of the
facilitator." Letter from Sheila Polk to Luis Li, 3/10/11 (Exhibit H). The State did not explain
what changed circumstances supported this change in position. The State did indicate that it
could arrange an interview of Mr. Sundling if the Defense so requested. *Id.* By that time,
however, trial was in full swing.

On May 2, in response to a request for a final witness list, the State sent the Defense an
email stating that it intended to call Mr. Sundling among the 12-15 witnesses remaining in the
State's case-in-chief. *See* Exhibit I.

1 **III. ARGUMENT**

2 **A. Sundling is not qualified to offer expert testimony on sweat lodge ceremonies.**

3 **1. Sundling is not qualified as an expert under Rule 702.**

4 The State has not met, and cannot meet, its burden to establish Sundling's qualifications
5 as an expert witness. *See, e.g., Gaston v. Hunter*, 121 Ariz. 33, 51 (App. 1978) ("The party
6 offering expert testimony must show that the witness is competent to give an expert opinion on
7 the precise issue about which he is asked to testify."). To qualify as an expert under Rule 702, "a
8 witness must indicate that his training and experience qualify him to render enlightened opinions
9 and draw sophisticated conclusions from the particular type of evidence available in a given
10 accident." *Englehart v. Jeep Corp.*, 122 Ariz. 256, 258 (Ariz. 1979). In addition, "[t]he court
11 must determine whether the witness' expertise is *applicable to the subject about which he intends*
12 *to testify*, and specifically whether the witness' training and experience qualify him to render
13 opinions which will be useful to the trier of fact." *Lay v. City of Mesa*, 168 Ariz. 552, 554 (App.
14 1991) (emphasis added).

15 Here, the State has identified Sundling as an expert in a broad swath of topics related to
16 sweat lodges: proper construction of a sweat lodge; "matters contained in his publications"; "how
17 a sweat lodge ceremony is typically conducted"; "contrast[ing] this information with the methods
18 used to conduct the sweat lodge ceremonies at the Defendant's Spiritual Warrior seminars"; and
19 "the role and the responsibilities of the facilitator." *See* Exhibits E, C, and H.

20 For each of these topics, Sundling appears to lack the requisite "knowledge, skill,
21 experience, training, or education" to qualify as an expert under Rule 702, let alone the
22 heightened expertise required to testify as an expert on a standard of care. By information and
23 belief, Sundling is an artist by profession who specializes in paintings, quilts, and photographs.
24 *See* www.dougsundling.com. The State has provided one "booklet" written by Sundling about
25 sweat lodge ceremonies, but has given no indication that Sundling has training, education, or
26 experience that could qualify him as an expert on the standard of care. *See* The Sweat Lodge: An
27 Interpretation (Exhibit D). Sundling's facilitation of some sweat lodges in the past and his keen
28 interest in Mr. Ray's case fall far short of the required qualifications. Sundling has no apparent

1 “specialized understanding of the subject” about which he will testify. *See State v. Chapple*, 135
2 Ariz. 281, 293 (1983).

3 **2. There is no “standard of care” for sweat lodge ceremonies, and in any**
4 **event, Sundling cannot meet the strict requirements applicable to**
5 **expert testimony on a standard of care.**

6 The State appears inclined to offer Mr. Sundling as an expert on the standard of care for
7 sweat lodge ceremonies, explaining that “Mr. Sundling will testify about . . . how a sweat lodge
8 ceremony is typically conducted; and will contrast this information with the methods used to
9 conduct the sweat lodge ceremonies at the Defendant’s Spiritual Warrior seminars.” Letter from
10 Sheila Polk, Jan. 7, 2011, at 3 (Exhibit E). Yet by Sundling’s own admission, there *is* no such
11 standard of care; each sweat lodge ceremony is different, and the practices are nowhere codified
12 or otherwise established. *See, e.g.,* Exhibit D, The Sweatlodge, an Interpretation, at 3 (“There is
13 no one way ‘to do’ a sweatlodge.” No one tradition has a monopoly on the truth of the lodge. But
14 there are basic underlying principles that do not change, though they can be diversely engaged. It
15 is wise to listen to what others share about their experiences with the lodge or their learning from
16 a particular tradition; but ultimately, the lodge teaches what is appropriate for the cultural context
17 we each live within.”). This admission is consistent with all of the widely available information
18 regarding the diversity of sweat lodge practices and traditions among and between different
19 Native American tribes and other traditions.¹ This makes all the more clear that his “expert”
20 testimony would at best be limited to his limited *personal* experience with *his own* sweat lodges.

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23 ¹ *See, e.g.,* Arizona Department of Corrections, Inmate Notification regarding revisions to Inmate
24 Religious Activities (stating that “sweat lodge ceremonies are . . . typically 3 to 4 hours in length),
25 available at http://www.azcorrections.gov/adc/inmate_notifications/inmate_rel_act_requests_03_11.pdf);
26 Remarks by James Sappier, Penobscot Elder, Symposium: Tribes and Tribal Governments, Luncheon
27 Address, 37 New Eng. L. Rev. 565, 566 (2003) (“Another important word is “quest,” meaning to find or
28 quest is, you will never forget its meaning once you have experienced one for yourself. A vision
quest is the physical, mental, and spiritual ritual associated with the second rite of passage. It involves a sweat
lodge, an intense prayer lodge, no food or water for four days, and another sweat lodge. You will
experience a vision after the third night . . . known as the night the men scream. On this vision quest, we
seek GheChe’Nawais, all creation, and all our relations.”).

1 This limited experience does not qualify Sundling as an expert on the relevant subject at all, let
2 alone qualify him to opine on the standard of care.²

3 In addition, even if a standard of care existed, Sundling falls far short of the strict
4 requirements that Arizona imposes for an expert to qualify to opine on such a standard. In the
5 medical malpractice context, for example, the “proffered expert must generally practice or have
6 sufficient training and experience in the same area of practice as the defendant physician so as to
7 be in a position to opine on what the applicable standard of care is for a given situation, and
8 whether the defendant complied with the same in the care and treatment of the patient.” *Smethers*
9 *v. Champion*, 210 Ariz. 167, 171 (App. 2005). The legislature and Supreme Court have recently
10 clarified further that an expert witness on the standard of care must be a licensed health
11 professional of the same specialty as the defendant physician. *See* A.R.S. § 12-2604; *Seisinger v.*
12 *Siebel*, 220 Ariz. 85, 96 (2009). Similarly, in cases arising from defects in home building, courts
13 have refused to allow testimony on the standard of care for home builders from engineers or other
14 professionals merely involved in the business. In *Woodward v. Chirco Constr. Co.*, 141 Ariz.
15 520, 522 (App. 1984), the court reasoned that an engineer is not a home builder, and could not
16 offer testimony on the standard of care. “While the engineer could opine as to the soil conditions
17 underlying the home and that the soil conditions caused plaintiffs’ damages, he could not answer
18 the ‘pivotal question’ involving the intricacies of home construction in differing soils: ‘would a
19 reasonable builder in Tucson have obtained a soil test prior to construction?’” *AA Mechanical v.*
20 *Superior Court In and For County of Maricopa*, 190 Ariz. 364, 368-69 (App. 1997) (describing
21 and quoting *Woodward*); *see also Miller v. Los Angeles County Flood Control Dist.*, 8 Cal.3d 689
22 (1973) (precluding testimony of a mechanical engineer who who “testified that he had observed
23 the construction of several hundred residential developments in hillside areas” similar to
24

25 ² As testimony and this Court’s own comments at trial have indicated, there also is no standard of care as
26 to the construction of a sweat lodge—another topic on which Mr. Sundling purportedly is an expert. *See*,
27 e.g., Draft Trial Transcript, 4/26/11 (Exhibit J), at 38: 6–10 (testimony of Michael Hamilton) (MS. POLK.:
28 Are you aware of any industry standards for the construction of a sweat lodge? A. No. Q. Are there any?
A. Not to my knowledge.”); *id.* at 37:3–4 (THE COURT: “As far as I know there are no industry standards
on building a sweat lodge.”).

1 plaintiffs', but "indicated no close involvement in the construction of homes and, indeed, an
2 unfamiliarity with building practices").

3 Sundling cannot qualify as an expert on the standard of care under such rigorous
4 requirements. While he may have facilitated or participated in sweat lodges in the past, he does
5 not have the requisite familiarity and expertise to opine on what a "reasonable" sweat lodge
6 facilitator must do.

7 **B. Sundling's proposed testimony is so tinged with bias that it should be**
8 **excluded as unfairly prejudicial under Rule 403.**

9 Sundling's lack of qualifications under Rule 702 obviates the need for a 403 balancing
10 analysis here. *See, e.g., State v. Moran*, 151 Ariz. 378, 382 (1986) (a "Rule 403 balancing
11 situation" does not arise where "Rule 702 precludes admission"). Any such balancing, however,
12 would require exclusion Sundling's testimony as unfairly prejudicial. The State has indicated that
13 Sundling will testify on the basis of his "publications" and his website, "Death and a Bogus Sweat
14 Lodge." Letter from Sheila Polk, Jan. 7, 2011 (Exhibit E). These documents make clear that
15 Sundling's bias against Mr. Ray would permeate any testimony Sundling might give and would
16 prejudice the jury. The following are examples of the statements from Sundling's publications
17 that would underlie his testimony:

- 18 • "Folks had paid several thousands of dollars to come to the Spiritual Warrior
19 Retreat to buy not only a service, but also the attention of James Ray. What they
20 got for their money in October 2009 was James Arthur Ray CEO whose main
21 focus during his five-day Spiritual Warrior Retreat was to increase the bottom
22 line." Death and a Bogus Sweat Lodge Website at 37 (Exhibit A).
- 23 • "He was the young sorcerer's apprentice of Walt Disney's Fantasia minus the
24 Mickey Mouse ears and the desire to clean up his deadly consequences." *Id.* at 39.
- 25 • "Maybe four-fifths of the 2009 participants shaved their heads, including Kirby
26 Brown whose corpse was returned to her family minus her long hair. Mr. Ray
27 didn't, maintaining his well-groomed looks portrayed in his publicity photo." *Id.*
28 at 48.

- “Oblivious to the need to call 9-1-1, oblivious to the presence of ambulances and helicopters, oblivious to the need to stay at the lodge area simply to be there with the causalities of his sweat ceremony, oblivious to misstating facts about his own Spiritual Warrior Retreat and sweat ceremony to inquiring deputies, James Ray wasn’t oblivious to a need to call his attorneys.” *Id.* at 103.
- “The lack of any emotion that many testified dominated Mr. Ray’s face, his minimal attempts at helpful action, and the absence of any sense of urgency as he began to recognize the carnage at the end of his sweat ceremony could well have been the look of shock and disbelief a CEO has as the vision of the golden opportunity to expand the bottom line evaporated.” *Id.* at 37–38.

The danger of unfair prejudice from Sundling’s testimony is obvious. His statements are “so tinged with . . . bias” that his testimony must be excluded under Rule 403. *See, e.g., Jinro America Inc. v. Secure Investments, Inc.*, 266 F.3d 993, 1006 (9th Cir. 2001) (excluding expert testimony that was “so tinged with ethnic bias and stereotyping that it should have been excluded under Rule 403’s balancing test”).³

IV. CONCLUSION


The testimony the State seeks to elicit at trial from Douglas Sundling is inadmissible for multiple independent reasons. Not only has the State failed to explain the late reversal of its decision to introduce Sundling as an expert, but more importantly, Sundling is not qualified as an expert on any relevant matter in this trial. In addition, his opinions are so unfounded and prejudicial that their admission would imperil this trial’s fundamental fairness. Mr. Sundling should be excluded.

³ In addition, Mr. Sundling may have additional bias. In a letter to Ms. Polk dated January 10, 2011, Mr. Sundling stated “I also have experienced being a victim of someone else’s negligence or deliberate intent, both criminal and civil.” Letter from Douglas Sundling to Sheila Polk, 1/10/11, at 2 (Exhibit K).

1 DATED: May 4, 2011

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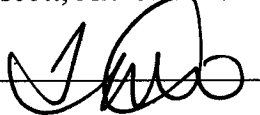
THOMAS K. KELLY

By: 

Attorneys for Defendant James Arthur Ray

8 Copy of the foregoing delivered this 4 day
9 of May, 2011, to:

10 Sheila Polk
11 Yavapai County Attorney
12 Prescott, Arizona 86301

13 by 

Based on the investigation interviews and evidence gathered by the Yavapai County Sheriff's Office of Arizona, a look at how self-help entrepreneur **James Ray** chose to disregard inherent safety features of traditional sweatlodge ceremonies and to add risks beyond any traditional sweatlodge when he designed and executed a sweat ceremony for over 50 people. In doing so, **James Ray** designed a sweat ceremony that would invite death to be a participant and to not just be a metaphor.

Part One is an analysis of how **James Ray** designed and executed a bogus sweatlodge ceremony for 56 people

Part Two provides a narrative of **James Ray's** 5-day Spiritual Warrior Retreat

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MONDAY

TUESDAY - THE SAMURAI GAME & THE VISION QUEST

WEDNESDAY

THURSDAY

PREPARATION FOR THE SPIRITUAL WARRIOR SWEAT CEREMONY

A PRELUDE TO CHAOS

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[illegible]

PART 1: DEATH ACCEPTS AN INVITATION TO A BOGUS SWEATLODGE

Death walked into Angel Valley in Arizona, around sunset on Thursday, October 8, 2009 and entered a crowded and extended sweat ceremony being executed by James Arthur Ray. This sweat ceremony was to conclude Mr. Ray's five-day Spiritual Warrior Retreat – a retreat 50 folks had paid \$10,000 each to attend. By the end of this two-hour sweat ceremony, Death walked away with two of the participants. Extreme heat exhaustion finally overcame the internal capacity for either James Shore, 40, or Kirby Brown, 38, to survive. Sixteen other participants were transported by ambulance or helicopter to the Flagstaff Medical Center, the Sedona Medical Center, and the Verde Valley Medical Center. Death rode along to the Verde Valley Medical Center and lingered till leaving with a third victim, Liz Neuman, 49, whose internal organs would eventually fail on Saturday, October 17.

The story was broken Friday, October 9 by the Camp Verde Bugle which serves the Cottonwood and Camp Verde area south of Sedona, Arizona. The news outlet had reported that two people had died "after participating in a sweat lodge ceremony" at the Angel Valley Retreat Center located near the town of Sedona. Sedona, about 115 miles north of Phoenix, sets nestled in the red rock country of the expansive Yavapai County in northern Arizona. On February 3, 2010, Mr. Ray was arrested and charged with three counts of manslaughter.

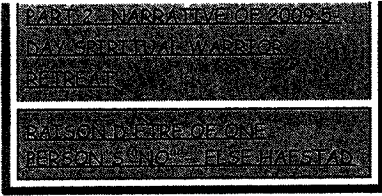
While the tragic event was quickly labeled a "sweat lodge," a few writers of subsequent newspaper and Internet news postings in early October accurately referenced the incident as a simulated sweatlodge, though all headlines would exclude *simulated*.

What James Ray was simulating is perhaps one of the oldest human rituals. The pouring of water on hot rocks to generate a cleansing steam or vapor has been widespread across human cultures and throughout history. The ceremony Mr. Ray instigated had been inspired by the type of sweatlodge largely well known through the depiction rendered by Black Elk, an Oglala Sioux, as recounted by Joseph Epes Brown in his book, *The Sacred Pipe: Black Elk's Account of the Seven Rites of the Oglala Sioux* (1953). The sweatlodge described by Black Elk was a ceremony structured for spiritual purposes, vastly different than for what Mr. Ray had designed his sweat ceremony

Quick came the caustic accusations that the Caucasian James Ray had taken something that wasn't his to use. However, accusing Mr. Ray of stealing or ripping off or misappropriating a Native American tradition doesn't explain how his sweat ceremony became tragic.

What follows is an account based on the interviews and evidence gathered by the Yavapai County Sheriff's Office (YCSO) of Arizona of how money and hubris conspired to invite Death to be a participant and not just a metaphor in a bogus sweatlodge ceremony for 56 people. It is a story of violated trust instigated by the ethics of capitalism and an ambitious self-help entrepreneur who exceeded the breadth of his abilities.

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Part 2

JAMES ARTHUR RAY

James Arthur Ray sells self-help and has done so in a lucrative and, by contemporary standards, very successive manner. He started James Ray International (JRI) in Carlsbad, Calif., in 1992, working for years in relative obscurity as one of many self-improvement experts. Mr. Ray calls himself "a personal-success strategist" promoting self-help guidance structured around his mixing and matching components of various philosophies and other folks' ideas that appeal to him. In his promo for the 2010 Spiritual Warrior Retreat, he claims mystical understandings gleaned from the mountains of Peru, the jungles of the Amazon, the ancient methodologies of Samurai Warriors, and elsewhere. While those forays represent quite a divergence from his early career path through the telecommunications corporation AT&T, Mr. Ray's robust enterprise to market and sell self-help doesn't.

By 2005, revenues from Mr. Ray's books and seminars had reached \$1.5 million. In 2006, Mr. Ray appeared in *The Secret*, a popular documentary in which he and others promoted the philosophy that positive thinking makes good things happen. Revenues in 2008 for JRI hit \$9.4 million.

James Ray routinely held free two-hour seminars in the U.S. and Canada. According to his company, 10,913 people had attended 41 events from January through October of 2009. From those folks, 1,752 had enrolled in Mr. Ray's two-day Harmonic Wealth Weekend, which cost \$1,297 a person. That multiples out to \$2,272,344 in revenue for inspirational guidance. And the Harmonic Wealth Weekend is the first of six programs in his Journey of Power Experience. Between August 2008 and August 2009, 3,281 people had attended Journey of Power events according to JRI.

Mr. Ray had become a frequent guest on TV talk shows, largely spurred by his 2008 best-selling book, *Harmonic Wealth: The Secret of Attracting the Life You Want*. In the book, James Ray, the son of an Oklahoma preacher, recounts that his family was so poor they had to live in the church office. And in the book, Mr. Ray advances the notion of becoming a millionaire through spiritual study.

But the very profane nature of business prejudices any spiritually engaging of the profound. There is no historical precedent that pursuits to engage the spiritual side of being human can be commercially formatted. Imitations can be formatted, but sincere, genuine experiences cannot. Instead of retaining their timelessness, such commercialized spiritual pursuits become packaged, dated, and consumable as disposable feel-good bargains. But this pursuit of expanded business opportunities is no less demonstrative today than it was 500 years ago.

Beginning in 1492, the unrelenting waves of European immigrants would find a Native American population that was more diverse than the European population from which the immigrants had left. More languages, more cultures, more religions, more communities. Empires, confederacies, regional alliances, small villages, nomadic groups. In the 1500s, Spanish conquistadors and their enlisted men in arms found cities in Mesoamerica (Mexico and Central America) and the American Southwest and Southeast that were often cleaner than the European cities from which they had come. Many of those indigenous civilizations were plums to feed the unrelenting European thirst for economic expansion. And subsequent European immigrants to North America found the indigenous people overall to have better hygiene than the usual hygiene practiced in Europe. One of the aspects of this hygiene was the extensive use of sweatlodges or vapor baths as they often were referred to by early explorers who had dispersed over the North American continent and who had experienced such vapor baths often to help cure some ailment that had beset them.

A ceremony of spirituality dominates the contemporary perception of what is a traditional sweatlodge. While the ceremony described by Black Elk embodies that orientation, the sweatlodge for many Indian cultures provided a means to purify spiritually and physically. And the sweatlodge paradigm of the Plains Indians, as exemplified by Black Elk, is one of the most efficient ways to clean a dozen or so folks with a gallon or two of water, to promote healing of many of the ailments common to the Native Americans prior to the arrival of the deadly newfangled European diseases, and to create a reverent setting for prayers to the Divine. In short, the *inipi* or sweatlodge was a way to revitalize the *wakan* or *ni* – what we could loosely translate as the life force, as that which is divine in every living thing. What Black Elk described for John Epes Brown reflected the refinement of the sweatlodge done over many generations of usage. It wasn't some newfangled format Black Elk had designed by piecing together various components from divergent philosophies.

The basic format of traditional sweatlodges has endured because it ensures the safety of any participants. While the usual explanation is "things are done a certain way because of

tradition,” safety is inherent, not challenged. Since 1986, I have been aware of these inherent safety features, but they were seldom singled out in any discussion or teaching about the sweatlodge.

James Ray borrowed the term “sweat lodge” and designed and executed a sweat ceremony very sloppily based on the sweatlodge paradigm of the Plains Indian. He chose to ignore many of the inherent safety features of a sweatlodge ceremony and to incorporate risks beyond any traditional sweatlodge. Mr. Ray’s legal team accurately pointed out in their White Paper #1 (dated December 1, 2009) which was posted on the Internet and submitted to the Yavapai County Attorney: “In this country, sweat lodges have expanded beyond their Native American tradition.” What those legal minds didn’t acknowledge is that to expand the sweatlodge as Mr. Ray did introduced safety risks beyond traditional sweatlodges for which Mr. Ray failed to account.

Both James Ray and his lawyers have erroneously assumed they understand what is a sweatlodge.

In the White Paper #1, Mr. Ray’s lawyers cite the website for the *Chicago Sweatlodge* to support the assertion that sweatlodges have been expanded beyond tradition (p. 15). On the website for the *Chicago Sweatlodge* appears an excellent overview with brief descriptions of the various types of sweat ceremonies developed by various cultures over the ages and across the planet. *Chicago Sweatlodge* advertises its business as a *sauna oven*, “providing the unique, red hot, ionic steam heat or deep radiant dry heat” complimented with the Rehydration Water Bar & Cafe which “boasts an extensive selection of beverages from waters to whisky along with a fabulous menu” and “continuous sports TV.” The business name is akin to the Moose Lodge or the Elks Lodge, not the Native American sweatlodge. The reference by Mr. Ray’s legal team to the *Chicago Sweatlodge*, a successful social service developed by savvy businessman Ruslan Demydenko, points out a lack of recognizing the vast difference between a sweatlodge and what Mr. Ray construed as an extreme endurance test.

Mr. Ray’s legal team stated in their White Paper #1:

A sweat lodge ceremony consists of only a few items: a frame, coverings, heated rocks, water, participants, and a leader. The lodge is essentially blankets and tarps thrown over a wooden frame. The sides are not staked down. The leader pours water onto the heated rocks, the steam heats the covered frame, and the participants experience the intense heat. Such ceremonies occur throughout this country and many others with few variations (p. 7).

This over generalization failed to include that the sweat ceremony designed and executed by Mr. Ray had dismissed key safety components of traditional sweatlodges.

For James Ray’s Spiritual Warrior sweat ceremony, the size of the structure, the coverings used, the amount of rocks used, the quantity of water poured on the rocks, the number of rounds, and the large mass of people inside the lodge created not a sweatlodge but a sweatbox to maximize profit and minimize overhead. That was evident in the initial news coverage and photographs provided by news outlets based in Arizona. As revealed in the 140-plus interviews and reports released by the YCSO, Mr. Ray had designed and executed the sweat ceremony to be an endurance test – to be an extension of his philosophy of “play full on.” Plus people paid money to participate which only further distanced this ceremony from a sweatlodge’s tradition of spiritual sincerity. James Ray’s Spiritual Warrior “sweat lodge” was an endurance test which combined with a 36-hour Vision Quest was structurally flawed. It was a commercial venture that exceeded safety limits. But it wasn’t a sweatlodge.

*To understand why James Ray's sweat ceremony
wasn't a sweatlodge
is to understand how it became tragic.*

MONEY, PART 1

Despite the promotional rhetoric of self-help espoused by Mr. Ray for his various events, retreats, and books, the Spiritual Warrior Retreat with its concluding sweat ceremony was framed primarily around the ethics of capitalism which not only undermined the spiritual sincerity essential to a sweatlodge but also compromised inherent safety features of traditional sweatlodges.

According to the promo on James Ray's website, the price to attend his next Spiritual Warrior Retreat in 2010 is \$9,695. It appears that 50 people paid to participate in the 2009 five-day Spiritual Warrior Retreat. These folks generated between \$450,000 to \$500,000 for JRI. Overhead for JRI amounted to (1) travel expenses for Mr. Ray and his staff and (2) room and board costs for eight of his staff to be at Angel Valley Retreat Center. There is no evidence that JRI incurred any costs for liability insurance to cover the Spiritual Warrior Retreat, in spite of a waiver that warned of serious injury or death.

According to the contract between JRI and Michael and Amayra Hamilton who own and operate Angel Valley Retreat Center, JRI would pay Angel Valley \$11,200 for eight Dream Team members (volunteers who helped James Ray) and \$96,000 for a guaranteed 60 participants. For an organization contracting Angel Valley to hold an event, the Hamiltons allowed one "facilitator" to stay free for every thirteen paying participants. JRI would have four "facilitators" staying free. The fee to register for the Spiritual Warrior Retreat didn't include the \$1600/person fee to stay at Angel Valley which JRI had to collect from each participant and then pass on to the Hamiltons. That totals \$107,200 to the Hamiltons to host the five-day Spiritual Warrior Retreat.

Of the 2009 Spiritual Warrior participants interviewed by the YCSO, only Melissa Phillips and Sandy Andretti identified a cost to attend the retreat: \$10,000.

As points of comparison, the traditional four-day Plains Indian vision quest or the 40-days in the wilderness of Jesus' time neither generated nor required such monetary resources. One of the main reason Martin Luther in 1517 nailed his so-called 95 *Theses* to the door of the church in Wittenberg, Germany was to challenge the Vatican papacy's charging for indulgences and other services to access God's kingdom. Beyond the expenses of facilitating a sweatlodge and asking donations to cover said expenses, there is no basis for any money let alone profit being part of a sweatlodge. When asked for an interview published in the January 2010 *New York Magazine* what justified his exorbitant pricing, James Ray responded, "Well, I think the pricing is determined by the value that people perceive they receive."

Why pay \$10,000 to pursue a five-day seminar for enlightenment, when similar options are much cheaper, if not free? Which is more appealing in pursuit of religion: attending an architectural imposing edifice with a fiscally endowed congregation or attending a humble non-intrusive building maintained by economically challenged parishioners?

The Native American vision quest, the 40 days and 40 nights in the wilderness, core Catholicism, and the sweatlodge promote a spiritual engaging of life – no money is needed; James Ray's events promote a commercial enterprise. To pay for a "sweat lodge" is to pay for a profane service that does nothing to advance an individual relationship with the Divine. No amount of money can buy any more intimate relationship with the profound than what you can engage with your own spiritual sincerity.

Testimony from people who had attended Mr. Ray's early events when fees were under \$1000 and participation numbers were no larger than a normal classroom were consistent: the events were worthwhile and James was engaging and approachable. But money makes people do strange things.

For Mr. Ray, CEO of JRI, participants at JRI events had been transformed into clients, sources of revenues. What does a CEO do for the company? Increase profits by generating more revenue. The focus of being the personable motivational speaker had shifted to being a CEO, and then often come the opportunities for money to trump safety.

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PART 2: NARRATIVE OF 2002 NAY SPIRITUALITY REPORT RETRIAL
CAMPION DIRECTION ONE PERSONAL NO. 1111111111

Prisoners 2002

SIZE OF THE SWEAT STRUCTURE & NUMBER OF PARTICIPANTS

A typical traditional sweatlodge structure is framed as a dome made of tree samplings. An appropriately sized frame is about 10 to 14 feet (3 to 4.3 meters) in diameter with a height at the center of 48 to 54 inches (1.3 meters). Nowadays, covered with blankest or old canvases, a typical lodge is large enough for one circle of up to 12-15 people, depending on body types, and would fit snugly inside a typical bedroom. This limited size

1. ensures a safe level of supervision by a capable facilitator,
2. ensures a group's ability to be aware of one another,
3. inhibits the dynamics of a "crowd" from prevailing,
4. limits the number of heated human bodies contributing heat and humidity within the enclosed structure, and
5. allows for circulation of fresh air throughout the lodge through the opened door between rounds.

Amayra Hamilton recalled that when James Ray brought his Spiritual Warrior Retreat to Angel Valley in 2003, he said the existing lodge structure for fifteen or so people wasn't large enough for his group. He wanted a lodge that could hold 40 some people. So the Hamiltons had a larger lodge structure built. In 2005, at Mr. Ray's request, the Hamiltons enlarged the lodge to accommodate 60 folks; in 2007 to 75 folks. Amayra said they wanted to accommodate Mr. Ray, so they paid a Native American man for consultation and then paid somebody else to build it. Ms. Hamilton told detectives that the man who built the lodge used in 2008 and 2009 at Angel Valley had built lodges that held more than 100 people.

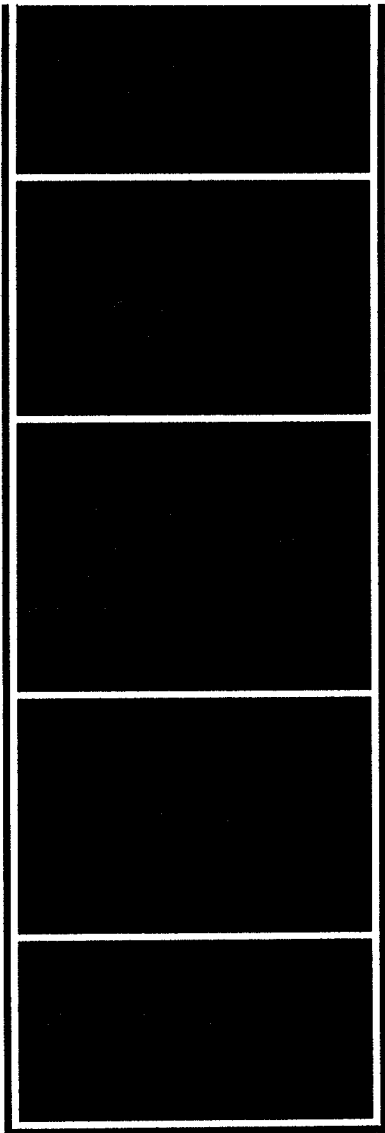
James Ray's main assistant, Megan Fredrickson, talked about a phone conversation after the 2005 Spiritual Warrior Retreat between James Ray, Michael Hamilton, and Tere Gingerella who was then the Director of Operations of JRI. While Mr. Hamilton had called Tere with concerns about building a larger lodge structure, Megan recalled the conversation mostly between Mr. Ray and Mr. Hamilton discussing how to build a structure big enough to fit 75 people, which was the largest number of people Angel Valley Retreat Center could handle. Megan's impression from hearing the conversation over the office speakerphone was that "there didn't seem to be much concern; it was a conversation about how can we do this, how can it be done."

The dome structure used for the 2009 Spiritual Warrior Retreat was sized at 415 square feet, 53 inches (1.3 meters) high in the center, and 30 inches (0.8 meters) high on the edges. A circle 23 feet (7 meters) in diameter would create about 415 square feet. Internal columns of wood limbs were posted to hold up the crude dome structure. This lodge could have fit snugly inside a typical two-car garage. While Amayra Hamilton wasn't comfortable with the enlarging of the structure or the sEvidence and testimony gathered by the YCSO have established several specifics. Three people died as a result of a sweat ceremony designed and executed by James Ray. Mr. Ray borrowed the term "sweat lodge" but chose to disregard inherent safety features of traditional sweatlodges when he designed his sweat ceremony. He also incorporated risks beyond any traditional sweatlodge and created an extreme endurance test which he boasted was hotter than any traditional Lakota sweatlodge. As the facilitator, he both ignored and chose to not be aware that people were struggling to survive his endurance test, were unconscious, and were probably dead as he executed his Spiritual Warrior sweat ceremony.

CEO James Arthur Ray wanted to grow cash revenues by increasing the volume of clients while maximizing profit and minimizing overhead. The Hamiltons wanted to please probably one of their best – if not the best – paying customer, and then they offered their expanded sweat structure as a service for other retreats. A facilitator of an event to be held at Angel Valley must sign a five-page document entitled, "Group Retreat: Terms and Conditions." On page two was printed: "Additional services are available for additional charges – Sweat Lodge, Ceremonial Tipis, Fire Ceremonies, Group Vortex Experiences, Angel Connections and other facilitated activities." On page three of the document appeared Additional Options Made Available at Extra Charge: "Sweat Lodge: \$900-\$1,300 00, for up to 75 people, without or with facilitator and fire tender(s)."

The sweatlodge isn't a service to be priced and bought. To do so compromises the intrinsic safety that a facilitator's purpose is to honor the sweatlodge ceremony and to serve all participants who have entrusted the facilitator with their well-being. The business adage that "you get what you pay for" is a hollow if not dangerously hypocritical axiom with the sweatlodge.

The decision to expand the "sweat lodge" structure to hold dozens of people had been a calculated business decision. This enlarged size didn't by itself create a deadly sweat ceremony, as evident in the testimony by Fawn Foster and David Singing Bear about a sweat



ceremony Singing Bear facilitated in this structure at Angel Valley Retreat Yet this expansion altered inherent safety features of traditional sweatlodges, and there lacks testimony that reveals how this business decision included adjusted safety features that would protect the well-being of the participants.



COVERINGS

Sweat ceremonies that evolved with impermeable materials such as the wood enclosed sauna of Finland or the adobe encased sweatlodges of some Native American cultures of the American Southwest differ from the sweat ceremony that has evolved with the building style associated with the Plains Indian which arose with the use of coverings composed of animal skins or plant materials. A door-like flap provides ingress and egress to the covered lodge. While these traditional materials have yielded to contemporary use of blankets and canvas, the tenet for this type of sweating ritual hasn't changed: the sweatlodge must be able to breath, both physically and spiritually.

Compare what you would feel like wearing a long sleeve cotton shirt on a very warm day to what you would feel like wearing a long sleeve vinyl rain jacket on that same very warm day. The cotton top breaths away some of the sweat and heat; the impermeable rain jacket traps all the heat and moisture inside next to your body. That is similar to the difference between using blankets and canvas coverings to using plastic coverings on a sweatlodge structure. Clothing to wear inside traditional sweatlodges is loose fitting cotton apparel, not tight fitting swimsuits or clothing made of newfangled materials that are woven together to wick away heat and that require cold water washings.

Nonetheless, to satisfy Mr. Ray's repeated desire to make his sweat ceremony "hotter" at Angel Valley, the Hamiltons shifted from using old blankets and drapes to having a base layer of blankets below a thin blue tarp which was covered by a thick brown tarp. These tarps intensified heat and humidity generated by mid-afternoon sun, rocks, steam, and human bodies inside the structure. There is no testimony how Mr. Ray, his staff, or even the Hamiltons proposed to compensate for this intensified heat and humidity that would result from the use of a material that doesn't breath.

The 2009 Spiritual Warrior sweat ceremony started around 3 PM. Usually three hours after high noon is when daytime temperatures reach a zenith, and the daytime temperature in this part of Arizona would begin to wane around 5 PM with the October sun dipping behind the mountainous terrain to the west before setting around 5:30. Since Arizona doesn't observe Daylight Saving Time, celestial high noon is around 12:00 hours, not 13.00 hours as with Daylight Saving Time. According to various weather data, the high temperature Thursday, October 8, was between 67°F to 70°F under clear skies. Aerial photographs by news outlets and YCSO photographs of the area around the dome structure revealed that the structure sat imprudent to the desert sky. The lodge's skin of plastic tarps and other coverings would have accumulated entrapped heated air, unless all the sides had been elevated to allow for ventilation. There lacks any testimony of how Mr. Ray had the covered lodge managed prior to his arrival with his clients or if he had it ventilated in any manner. Rather, testimony implied that there had been no cross ventilation of the covered structure during the day.

Carl Nelson stated that it was very hot inside the lodge structure before any rocks had been brought in. Stephen Ray (no relation to James Ray) said, "It was actually very hot. So after everyone was in there, they hadn't even brought any rocks, and we were already sweating". While temperatures in the 80°Fs or even 90°Fs inside a plastic covered dome structure aren't life threatening, a temperature in the 60°Fs because sides had been opened would have made a considerable difference on the impact of heat on the participants for the first one or two rounds.

PART 2 NARRATIVE OF 2009
PART 5: REVALUATION
RENEAL
PERSONS IN THE REVALUATION

Part 2 of 2

Part 2 of 2

Part 2 of 2

NUMBER OF ROUNDS & NUMBER OF ROCKS

Traditional sweatlodges are built around four rounds with maybe a closing fifth round. Each round is separated by the opening of the door to allow in outside air, to pass around water to drink, and then to bring in more heated rocks. During each round participants usually engage in group chanting or singing and individual offering of prayers or contemplations, and the format varies from "tradition" to "tradition." The four rounds are traditionally built around the four elements or the four directions. Where you stand on Earth, there are four cardinal directions: front, back, to your right, to your left. North, East, South, West. There are the four elements essential for life: Earth (land), Air, Fire, and Water. Take away any one of those elements, and human life, as we know it, ceases. While such universal truths bind the human family anywhere on planet Earth, inherent in the four or five rounds of traditional sweatlodges is the safety of staying within tolerable limits of most humans, physically and mentally. Most people start losing focus when they have to mentally account for five or more things – more so if such folks are in a James Ray super-heated sweat ceremony.

Testimony indicates that Mr. Ray intended his Spiritual Warrior sweat ceremony to be seven rounds. As related by JRI employees, Mr. Ray had selected the number seven based on the seven chakras. The concept of chakras evolved in India. A chakra is believed to be a point along the spine that receives, assimilates, and expresses life force energy. There are seven chakras, beginning at the base of the spine and moving upward to the top of skull. While having a spine is universal to the human condition, the complexity of how these chakras are defined, accessed, and attuned evolved in a cultural context very different than the cultural context from which emerged the complexity of how traditional sweatlodges engage the life force energy.

Mr. Ray, as indicated by testimony, used the chakra-inspired number seven to be the number of tobacco pouches each Spiritual Warrior participant would make during a 36-hour Vision Quest exercise that preceded the sweat ceremony. Each pouch was to represent some personal intention to pursue or to overcome. The 36 hours of being alone without food or water in a spot defined by a small circle in the wilderness area surrounding Angel Valley was a variation of an ageless exercise humans have pursued to seek clarity. Each of those seven pouches of tobacco was brought inside and hung from the lodge structure. Mr. Ray designed the sweat ceremony to be seven rounds, one per tobacco pouch.

It was never explained what was the connection between seven chakras and seven personal intentions. Nor was it explained what the connection was between seven personal intentions and seven rounds of sweat ceremony. Nor did anyone testify that Mr. Ray during this 2009 sweat ceremony ever identified any of the rounds particular to any of the seven chakras.

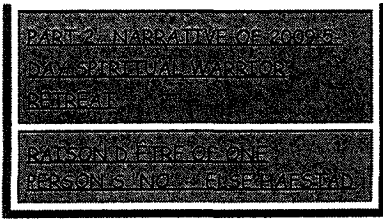
Testimony indicates Mr. Ray lost track of the number of rounds he had done during round four or five, and he did a sweat ceremony of eight rounds. Note the inherent safety feature of traditional sweatlodges limiting rounds to four or five so not to lose focus.

In choosing to disregard this fundamental safety feature of a four-round traditional sweatlodge, James Ray offered no plan on how he intended to keep his Spiritual Warrior participants focused on those seven personal intentions during his super-heated sweat ceremony. Testimony indicates that the first four or five rounds involved Mr. Ray leading chants and prayers, some which were identified by participants as being from the Book of Proverbs. Each round was to include a moment when everyone spoke or shouted at the same time their personal intentions for that particular round. Testimony also described how the last three if not four rounds were basically about surviving the heat with little if any communal talking other than encouragement like, "We can this." Testimony from several participants of not only the 2009 sweat ceremony but also previous Spiritual Warrior Retreat sweat ceremonies expressed the same reaction: they had had enough by round seven and had just wanted the sweaty endurance event to end.

In traditional sweatlodges, a round is structured so each participant provides some sort of individual verbal contribution, and doing so indicates he or she isn't what some of Mr. Ray's clients were – unconscious. But James Ray, the CEO, couldn't afford to have each of his four dozen or so clients individually do that; each round would have lasted close to an hour. Hence, Mr. Ray dismissed an innate safety feature of traditional sweatlodges for the sake of a more economically efficient sweat ceremony.

The overall time inside the lodge was more or less two hours, not an unusual duration. However, the number of rounds created a huge difference in the amount of rocks used for the ceremony. With a typical four- or five-round ceremony, maybe four to seven rocks are brought in per round, totaling usually, but not always, somewhere between 15 to 25 – considerably less than Mr. Ray's total of 58 rocks. There is no testimony indicating how Mr. Ray or his staff planned to expand the zone of safety for tolerance of this expanded volume of

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rocks.



THE HEAT

How did Mr. Ray generate such intense heat?

Based on the testimony of Randy Potter and Julie Min, the pit into which the hot rocks were placed was off center toward the north. A capable sweatlodge facilitator knows that a slight dip or rise in the ground floor of a sweatlodge affects the amount of heat experienced by folks at those spots. A slight dip creates a cooler spot; a slight rise or hump creates a hotter spot. To place the pit off-center toward the north and further from the door in the south meant that a lot more heat would be concentrated in the north. And the size of the enclosed, tarped domed structure meant that little if any fresh outside air would reach the north when the door was opened between rounds.

The lack of cool, fresh air circulating through the lodge outside of the areas adjacent to the door in the south was evident in the testimony of the participants, most notably the lack of air into the north end.

Randy Potter provided an exceptional comparison of sitting in the north to sitting in the south. Randy left after four rounds and reentered at the start of the sixth round. For the first four rounds, he sat in the north side on the inner circle next to James Shore, and Kirby Brown sat one person to his left and behind him. When he reentered at the start of the sixth round, he positioned himself near the door. He compared being in the two places for Det. John Johnson:

On the south side when the door opened, you got some fresh air, it cooled down for a minute, you could breathe easier, and there was more room to lay down. All those things I think contributed to having the people in that region walk away unharmed, where the people on the back half of it didn't get any fresh air when the door was opened and were closer to the pit. And the water was thrown onto the rocks from the south, and we actually got hit by water right when we were sitting there. And the steam did seem to come directly at you when you were there.

Potter's description illustrated how these mishaps of design would invite execution of ill-desired laws of physics.

Unless future testimony reveals that rocks were removed from the pit after the ceremony and prior to the police investigation, YCSO deputies found a total of 58 rocks in the pit inside the lodge structure.

Six people remembered twelve rocks being brought for the first round. One participant thought seven or eight were brought in. Fawn Foster, an employee of Angel Valley who was helping on the outside, said she counted twenty. Twelve would seem to have been the accurate count for the first round of rocks.

For the second round, three of those six folks – Beverly Bunn, Laura Souter, and Debbie Mercer – recalled another twelve rocks being brought in.

Fire tender Debbie Mercer recollected that ten rocks were brought in for the third round and eight rocks for the fourth. Beverly Bunn and Laura Souter remembered eight rocks for the third round. And only Ms. Bunn offered any recollection of the number of rocks added during the remaining rounds – six for round four and eight for each of the last four rounds. Ms. Bunn's recollection adds up to 70 rocks, twelve more than the 58 found in the pit, and 58 is two to three times more than the usual number rocks used in traditional sweatlodges.

Ms. Mercer wasn't sure how many rocks were inside the lodge after seven rounds, but she testified, "I know in heating up the last round when he [James Ray] knew there's unconscious people in there, the last round he put ten more stones in." Adding up the numbers Debbie provided equals 52 rocks over rounds one, two, three, four, and eight. That leaves six rocks to have been brought in for rounds five, six, and seven – or two rocks per round, which lacks congruity with Mr. Ray's pattern.

Interestingly, when Det. Ross Diskin asked Debbie's husband, Ted Mercer, the fire tender, if he thought Mr. Ray had called for more grandfathers than normal, Ted replied, "Actually he was calling for less than normal because in the years before he'd get ten, twelve rocks every time, and a couple times he only asked for four." If Mr. Mercer could recall the count each round, he didn't share that memory with the YCSO. Nonetheless, the lack of recollection by anyone to remember the exact number of hot rocks used per round indicated another aspect of how the ceremony exceeded safety and control factors that could and should have been managed, especially for an eclectic group of novices.

Over half of the participants in the Spiritual Warrior Retreat sweat ceremony had never been part of a sweatlodge ceremony. The only "sweat lodge" experience for about a quarter of the group had been a James Ray sweat ceremony. Included in that group were the JRI personnel who provided support inside and outside the lodge. A small minority of the Spiritual Warrior participants had been a part of sweatlodge ceremonies facilitated by someone

other than Mr. Ray.

Hence, diverse would be the descriptions by the participants of the heat generated by Mr. Ray pouring water on the hot rocks.

Carl Nelson described the inside of the lodge as being very hot before rocks were brought in, becoming much hotter when the rocks were brought in, and when James Ray poured water on the hot rocks causing an instantaneous blast of heat.

Christine Mattern described that initial heat as "stinging."

Scott Barratt said he was astounded by how hot the air he exhaled was, so he found himself breathing very shallow.

Beverly Bunn indicated she stopped chanting because it was so hard to breath.

Stephen Ray rendered this description:

It was actually very hot. After everyone was in there, they hadn't even brought any rocks, and we were already sweating. Then he started bringing in rocks, and they were white hot, red or white hot and they were really, really hot. Once the rocks were all in the pit, then he closed the door and poured some water on the rocks which created a lot of steam. Once it was closed, you could really feel the intense heat. And then when the water was gone, it was really hot. I mean you could just feel the steam roll on to you.

Stephen also stated that "when James put the water on those rocks to make that steam, it felt like I was suffocating, like I couldn't breathe."

Lou Caci had attended several of James Ray's events and had participated in the 2003 Spiritual Warrior Retreat. He indicated that the 2009 sweat ceremony was a lot hotter than the one in 2003.

Robert Grain simply stated: "It was really fucking hot."

Randy Potter and William Leverage said the heat generated inside the lodge was "extreme" and very hot, and Mr. Potter recalled that his eyes were burning. Randy said that approximately fifteen years ago he had been in a sweat ceremony in Utah with four other people. Mr. Potter remembered the heat being really intense, not being able to lie down because it was in a teepee shape, and lasting maybe an hour. When Det. John Johnson asked how that earlier sweat was different than Mr. Ray's, Randy replied: "Absolutely it was different. There were periods of time where we got fresh air by having a door open. Fresh air would rush in for a short period of time. You could breathe normally. You were hot, but you were able to breathe for a minute."

Brent Mekosh had been in a sweatlodge as part of a survival training seminar he had attended in 2006. He described James Ray's sweat ceremony as being much hotter, having a lot more people, and using many more rocks. When Det. Shonna Willingham asked him if he had felt safe going into Mr. Ray's sweat ceremony, Brent didn't say "yes" or "no." He responded that overweight people and one with high blood pressure went inside Mr. Ray's sweat ceremony and that from his past experience a sweatlodge is managed for the weakest person present – and that wasn't the case with Mr. Ray.

Having never been in a sweatlodge, Sean Ronan compared his doing Bikram yoga to James Ray's sweat ceremony. The hour and a half yoga routine is done in 104°F, and the Spiritual Warrior sweat ceremony "was a lot hotter." And he was sitting in the dirt; whereas in Bikram yoga, he does stretches and is sitting comfortably on something in a nice spa-like environment.

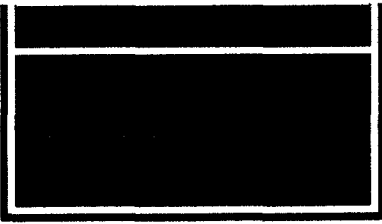
Dawn Gordon testified that she was experienced in therapeutic saunas and judged the heat in Mr. Ray's sweat ceremony to be about ten times hotter than any sauna she had ever been in.

When Det. Willingham asked Julie Min to describe the heat inside the lodge on a scale of 1 to 10 with 1 being warm and 10 being super heated, Min replied between 8 and 10. Sitting in the southeast end of the lodge near the door, Julie said she felt air flow when the door was opened during the first few rounds, but after those initial rounds she could no longer tell a difference when the door was opened because the heat became nonstop.

Laurie Gennari echoed Min's observation, testifying that round one made her feel warm for the first time during the retreat, round two felt as if she were sitting on the bottom level of a sauna, round three felt as if she were sitting on the top level, and it continued to become hotter with each new round.

Dream Team member Aaron Bennett sat on the left hand side of the door and placed the hot rocks in the pit after they were presented at the door. He stated that the 2009 Spiritual Warrior sweat ceremony was no different then previous ones.

Almost every one of the participants who had been in a sauna stated that Mr. Ray's sweat ceremony was hotter and more intense. The lone dissenter was Dr. Jeanne Armstrong. She told detectives that she didn't enjoy getting hot and that the air in a sauna is so hot it hurts to breath. While Mr. Ray's sweat ceremony proved physically more exerting than a sauna because she was sweating more, Jeanne was able to breathe. She sat in the southwest end of the lodge, maybe three or four people away from the door, and at one of the spots furthest from the pit located off center to the north. For Jeanne, though she hadn't expected it to be so, the sweat ceremony was very doable. She was actually surprised that doing Mr. Ray's sweat ceremony was quite easy. Dr. Jeanne Armstrong's experience was such an anomaly to the



others, notably the three deceased participants.

Fawn Foster, an employee of Angel Valley who helped at the Spiritual Warrior Retreat sweat ceremony, had been involved with sweatlodges both as a participant and a helper. When Det. Mike Poling asked for her opinion on what she had observed that fateful Thursday, Fawn responded:

I have not ever witnessed anything like this, ever. I think that these people were put out on a hill for two days with no water. You don't do that to people that are from the city in the desert, number one. Number two, you don't have a two/three-hour sweat lodge for a bunch of novices that have never been in a lodge in their lives. Number three, you don't put that many rocks; the heat in that lodge had to be unbearable. I have sweated off and on my entire life. I am half Indian. I can't imagine going to a lodge with that many rocks; I can't even fathom that in my brain.

Marilyn Moss, a participant in the 2005 Spiritual Warrior Retreat, remembered Mr. Ray using an ominous analogy to prep the 2005 Spiritual Warrior participants for his sweat ceremony. Ms. Moss said they were told that if a frog is put in boiling water, it jumps out, but it won't if the water temperature is slowly raised. Then, Marilyn said, Mr. Ray told them about his sweat ceremony where "the temperature would be very hot and that you are purifying your body and it was a chance to get more focused on what you are really capable of and what you really want to achieve in your life."

Instead of putting frogs in water, James Ray put people inside a tarp covered dome structure, and instead of slowly raising the temperature of water to boiling, Mr. Ray raised and sustained the heat to create a crock pot effect.

THE CROCK POT EFFECT

The inherent safety features of traditional sweatlodges help prevent the potentially dangerous build-up of heat during a sweatlodge ceremony. In dismissing these safety features to create his Spiritual Warrior Retreat sweat ceremony, James Ray produced a crock pot effect.

Inside the Spiritual Warrior Retreat dome structure, the layers of blankets and plastic tarps entrapped the heat from three sources:

1. the eventual total of 58 white or red hot cantaloupe-sized volcanic rocks,
2. the intense and immense amount of steam generated from the four to five gallons of water poured on those rocks each round, and
3. the sweaty, overheated bodies of 40 to 56 folks

Testimony from several participants was consistent: Mr. Ray poured a five-gallon bucket full of water on the rocks at the start of each round. Traditionally, a half to maybe two gallons of water is ladled or fanned onto the hot rocks each round. Again, this is another safety feature inherent in traditional sweatlodges to prevent potentially injurious steam, which pouring four or five gallons of water onto 12 or 20 or 58 hot rocks could do.

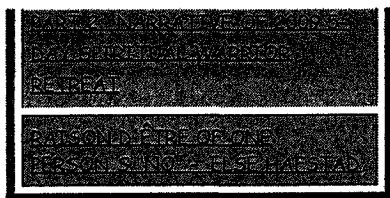
Mr. Ray sat in the south side of the dome structure next to the door. The person who sat to his right during the sweat ceremony and acted as his assistant, Megan Fredrickson, testified that Mr. Ray would stand to pour water on the rocks and that when he walked back, she would put out her hand so he would know when to stop and sit. The 6-foot 1-inch (1.85 meters) James Ray couldn't have stood up in this four and a half feet (1.37 meters) high dome structure; he would have been squatting and then, in the dark, aiming the five-gallon bucket of water at the pit of hot rocks. Four gallons of water weigh just over 32 pounds (14.5 kg) and would have required some effort by a squatting Mr. Ray to lift and pour, which he must have been able to do because testimony stated that the water poured – or thrown – onto the hot rocks splashed folks who sat in the north side.

The pouring of some four to five gallons of water onto red hot rocks happened during eight rounds – not four or five. And inside the lodge over eight rounds were 40 to 56 hot and sweaty human bodies – not 10 to 15 bodies. All of this creates an extreme amount of heat and humidity.

While no temperatures were measured, descriptive testimony of participants established that James Ray's sweat ceremony was hotter than any sauna. In a typical, 3-5 person contemporary sauna room, I can comfortably sustain, with occasional ladling of water on the hot rocks about thigh-high off the ground, 130°F to 160°F temperatures where I am sitting on the second-tier bench positioned about waist-high. The temperatures just above my head would range between 180°F to 210°F temperatures. Given the testimonies that the heated air felt as hot coming out of individual's lungs as going in, that the heated air felt as if it were burning skin, that there was actual burning of the skin of some participants, the temperature inside Mr. Ray's sweat ceremony near the top of the dome, conservatively, probably were well above 200°F with temperatures over 160°F at the base of the lodge's walls when he poured that water on those rocks. As it does in a crock pot, the heat of the Spiritual Warrior sweat ceremony accumulated inside a dome structure skinned with impermeable material. For this two-hour ordeal, Mr. Ray could sustain his extreme heat with the brief opening of the door between rounds, with the volume of rocks and amount of water used, and with the number of rounds. When temperatures are sustained near the low setting of 200°F in a crock pot, within two hours meat starts to become cooked.

The number of heated rocks was double or triple of traditional sweatlodges. The number of heated, sweating bodies inside the lodge was three to four times more than inside traditional sweatlodges. The amount of water poured on the rocks was four to five times the usual amount. These expanded features Mr. Ray designed and executed for his sweat ceremony superseded the safety features inherent in traditional sweatlodges. In doing so, James Ray created a crock pot effect, yet there is no testimony indicating how Mr. Ray and his staff planned to safely account for these expanded, divergent features.

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BETWEEN ROUNDS

Perhaps the most critical safety feature of traditional sweatlodges that James Ray abandoned when executing his extreme sweat ceremony was the protocol between rounds. Unless the group as a whole has agreed to do otherwise, when the door is opened between rounds, three things happen:

1. outside air is allowed to replenish the inside air throughout the structure,
2. water is passed around to participants to drink and to splash anywhere on their bodies, and
3. the facilitator asks how everyone is doing.

Basic physics as governed by the design of the lodge at Angel Valley inhibited the replenishing of air. Opening the door for maybe five minutes between rounds as Mr. Ray did would have allowed little if any air to reach the far end, the north end, of this 23-foot diameter (7 meters) lodge. The lodge structure at Angel Valley could fit snugly inside a typical two-car garage. If about 50 folks crowded in two circles inside a two-car garage that was four and a half feet high and a three-foot by four-foot door was opened for five minutes, how much outside air would reach the far side of that garage? Not much, if any.

The most critical decision by James Ray that endangered those who chose to follow him into his sweat ceremony was his choice to ignore the other two basic tenets of what happens between rounds of traditional sweatlodges – water is passed around to participants and the facilitator asks how everyone is doing. Testimony after testimony reiterated that Mr. Ray stated that his “sweat lodge” ceremonies were very hot, hotter than those done by the Native Americans with whom he claimed he had studied. But no water was passed between rounds to rehydrate folks. Instead, folks could leave between rounds to cool off and drink liquids and then reenter the lodge in later rounds. Lacking was any testimony that Mr. Ray or any of his staff asked about the status of any individual let alone the group as a whole between rounds or during the ceremony or even prior to the ceremony.

What were the safety measures James Ray and his staff had incorporated to prevent almost certain dehydration of individuals, many having no prior sweatlodge or extended outdoor experience, already stressed by the 36-hour Vision Quest, and wanting to go without water between rounds so they could “play full on” in this super-hot Spiritual Warrior sweat ceremony? Apparently the only safety measure was the “rule” that participants could leave when the door was opened between rounds. Testimony clearly indicated that while participants felt they could leave anytime, Mr. Ray and other participants encouraged folks who wanted to exit that “you’re more than that, you can do this” – be bigger than what you think you are. And as several participants testified, they didn’t want to disappoint their leader. Besides, each participant had paid \$10,000 to be part of whatever James Ray had devised for them to experience.

The analogy JRI employees Megan and Josh Fredrickson used to explain this “rule” was that Mr. Ray’s sweat ceremony was like a church and it would be disrespectful to leave during a church service. While some church services can test one’s capacity to sit and listen, they aren’t endurance tests that can dehydrate people to the point of heat exhaustion.

In a bizarre twist of logic to justify the safety precautions Mr. Ray took with his sweat ceremony, his lawyers stated in their White Paper #1 that “Mr. Ray did encourage people to stay inside the sweat lodge while a round was underway. This precaution enhanced the safety of the event: the sweat lodge was pitch black when the flap was closed and there was a hot stone pit in the middle of it” (p. 3). This statement further exemplifies that neither James Ray nor his legal team understand traditional sweatlodges.

A basic tenet of traditional sweatlodges is that anyone can leave at any time. If someone expresses the desire to leave, the facilitator pauses the ceremony, the door is opened, and the person leaves. This reinforces the intent of any traditional sweatlodge not to subjugate the individual but to allow each individual the freedom to experience the sweatlodge as he or she can within the design of that particular ceremony. To pause in a sweatlodge ceremony to accommodate an individual is part of the ceremony, not a stoppage of the ceremony. It isn’t an irreverent interruption as analogized to a church service or as enforced by Mr. Ray. Removal of this basic safety feature of traditional sweatlodges augmented the list of safety features he had dismissed and the risks he had designed into his endurance test.

STATE OF ARIZONA COUNTY OF MARICOPA SUPERIOR COURT IN AND FOR THE COUNTY OF MARICOPA STATE OF ARIZONA VS. RAYSON DERE DEBANE PERSONS NOT TO BE HEARD

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LEAVING DURING THE CEREMONY - WHAT WAS THE POLICY?

The consensus from the testimony gathered by the YCSO is that the door between rounds was opened long enough to bring in more hot rocks for the next round and to let people leave or reenter. Statements by various participants repeatedly left the same impression about leaving. You could leave if you wanted, but people were pressuring those who wanted to leave to stay; yet no one was physically restrained from leaving or humiliated for leaving. Only Laurie Gennari testified that she was denied the right to leave because Mr. Ray had the door shut as she was crawling toward it to exit.

James Ray instructed folks they should wait till the end of the round to exit and should always move clockwise to be respectful of the lodge and to provide traffic control so people didn't run into each other. The traffic control was perhaps the only inherent safety feature of traditional sweatlodge that Mr. Ray didn't choose to dismiss.

Linda Andresano testified, "I know that the instructions were, you may leave, if you need to. You leave it's a sacred space, it's a church, a sweat lodge is a church, Native American church."

Ami Grimes recalled that when the door was opened and people wanted to leave, Mr. Ray would say, "You are more than that." But whenever people did leave, they had to say, "Hi ya ya." Ami said that hi ya ya is like an exclamation point expressing that something just done or said is good for you or expresses thanks for sharing.

In an interview with YCSO officers at Angel Valley the night of the tragedy, Dream Team member Aaron Bennett said people were not made to stay, but the preference was for people to wait and leave between rounds. Aaron rationalized that the rounds weren't that long, so most people should be able to endure the entire round. Mr. Bennett repeated the oft-repeated paradoxical guidance of Mr. Ray and his staff: nobody would be stopped who absolutely wanted out during a round, but it was preferable for them to leave when the door was opened. In an interview two months later, Aaron said "This year, during the rounds Mr. Ray wasn't willing to open the door and let people out, and this was stated before it started so people knew about this rule of the lodge. He had done this same thing for the past two years too."

When Det. Ross Diskin pressed Josh Fredrickson if leaving was discouraged, Josh responded: "Yes, the analogy is it's like church. Treat it like it's in the middle of a sermon, and if you need to leave, leave respectfully. But I've never heard anybody turned away."

Josh's wife, Megan, also cited the church analogy:

His [Mr. Ray's] analogy is that it's a ceremony and that you shouldn't interrupt in the middle of the round, and he uses the analogy of a church service or sermon. So if the pastor is speaking, it would be inappropriate to stand up and shout to the pastor in the middle of the sermon, 'Hey, I need to go to bathroom or whatever.' He shares with them in the setup prior to going in that that it's a sacred ceremony and that it's only appropriate to leave in between the rounds.

When Det. Mike Poling asked Megan if when she was a participant prior to becoming an employee of JRI did she feel it was important to finish the round before exiting, Ms. Fredrickson answered, "Yes." And that viewpoint resonated with all JRI staffers who provided support for James Ray's sweat ceremony.

Michael Barber, one of the JRI personnel, told YCSO officers the night of the sweat ceremony folks were encouraged at times to hold on and wait until the door was opened - that "you can make it." But he said no one was prevented from leaving. Brian Essad, also interviewed that same night, said people who said they weren't doing well and wanted to leave were encouraged to stay - "you're more than this, you're bigger than this, you can do this." Likewise, he didn't think anyone was shamed into staying. Mr. Essad, echoing Aaron Bennett's comment, reiterated that James Ray had said repeatedly from his preparatory talk on that when door was opened was the time to leave. Brian also recalled Mr. Ray said that since the ceremony was a "sacred space," it would be a sacrilege to break that. Tess Wong remembered Mr. Ray saying they could only leave while the door was open because he wanted to maintain the sacred space.

Christine Mattern offered a fair assessment of how Mr. Ray handled folks wanting to leave during his ceremony:

People were encouraged to stay in and sometimes they didn't, and James like, 'Oh come on, you know you can stay,' and 'You can do it.' And they are like, 'No, no, we are leaving.' And so they would go out and he would say, 'Okay, try to come back the next round or the round after.' So they are like, 'Okay.'

Even the testimony of husband and wife Michael and Danita Olesen reflected the ambiguousness of Mr. Ray's instructions. Danita said that she or anyone else could have left any time. Michael said participants, even if they felt the need to leave, had to wait for the

door to be opened at the end of a round before exiting. While Mr. Olesen acknowledged that no one was denied the ability to leave when the door was closed, he reaffirmed that at times folks were told to hold on and wait until the flap was opened – that they could make it.

Apparently this policy became group support. Following James Ray's lead, folks talked to support each other. Participants recalled various phrases of encouragement: "Oh come on, you're more than that" or "Come on, you can do it" or "'Come on, try to stick it out" or "Be strong" or "This is not your body" or "Work through the pain" or "We can do this" or "You can do this" or "You are more than your fears" or "You are more than your doubts."

While testimony and Mr. Ray's legal team resonate with the statement that folks could choose whether to leave or not, Susan Smyser, a 2008 Spiritual Warrior participant, posed the flaw in that statement applied to Mr. Ray's sweat ceremony: "How can an unconscious person make a decision to leave?"

Why didn't folks leave or stay out once they had exited, despite the tenuous policy about leaving? The prevailing reason folks persisted with Mr. Ray's endurance test was because they trusted him. Richard Wright, Jr. stated: "I trusted him. He had put us in challenging situations before, and it was just another challenging situation." Randy Potter echoed that faith:

There were other activities that we had done at other seminars with James Ray that you know appeared to have some element of danger in it, and while you might be nervous about it, the ultimate outcome was always something you were capable of accomplishing. That makes sense if all of that combined had me willing to participate in it [the sweat ceremony] without fear for my safety.

That prevailing attitude of trust was buttressed by folks wanting to get the most for the amount of money they had paid to attend the Spiritual Warrior Retreat and wanting to play full on to get the maximum benefit from Mr. Ray's exercises and to please their teacher.

An influential motive for sticking out the ceremony is how participants internalized what James Ray told them.

Melissa Phillips thought too much emphasis was placed on being the honorable warrior.

Rosemary Senjem depicted the sweat ceremony as a mind over body experience so that when folks asked for help, they were encouraged to continue

Else Hafstad, who chose not to do Mr. Ray's sweat ceremony, said the whole event felt like a lot of pressure and the theme was to go beyond where you have ever been before. Hafstad's comment reflected James Ray's theme of achieving an altered state to be reborn as a new person freed from old issues or ways that had been inhibiting.

Det. Mike Poling queried Megan Fredrickson to explain Mr. Ray's contention that people are reborn in his sweat ceremony: "How are you reborn? Did he explain that? Through this process, how are you reborn? It would seem Greek to me; I wouldn't understand. What's expected?"

Megan responded:

My understanding of being reborn is that it's a state of mind. When you're in the lodge, you're letting go of the stuff that's been holding you back.

So in the lodge, participants are physically purging and so on. They're voicing their new intentions. Every round people voice what they choose to bring into their life, and then he reminds them when their exiting the lodge that it's a sacred experience and as you exit you're a new person. You're reborn, so do it powerfully and say when I exit this, 'I am Megan and I am,' this is an example, 'I am a great mother' or 'I am a powerful human' or 'I am a great leader' or whatever it might be. So you're choosing.

James always says it's not the ritual, it's what you bring to the ritual. So it's just inviting the participants to come out a different person than who they were which is ultimately why they go to all of the events anyway

In designing his sweat ceremony to evoke rebirth as a state of mind, James Ray failed to understand that he was also inviting Death to be a participant rather than just be a metaphor

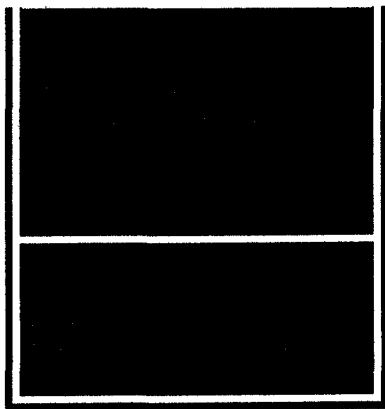
When Det. Poling asked Josh to explain the goal of Mr. Ray's sweat ceremony, Josh explained:

The sweat lodge is a metaphor for death and rebirth. Sweat lodge is likened to a womb in Native American tradition, so basically you're going in.

Before the sweat lodge, they burned all the crap if they wanted to – their journals that they wrote in for the week. They had two journals – one that they just wrote in and then one that they took notes in. So you know if they wanted to burn the stuff, they could and just kind of symbolically release it.

So you go into the lodge with that intention of letting that stuff go and becoming a new person. And then when you exit the lodge, James says it's like exiting the womb and you're reborn, you're new person.

It is here that a serious flaw in Mr. Ray's structuring the Vision Quest with his sweat ceremony begins to appear. And Det. Mike Poling intuitively realized it with his response to Josh: "But why a sweat lodge? You can have a fire pit outside and you can have a



meditative type atmosphere in other areas of that site."

Traditionally, a sweatlodge after a vision quest would be one or two rounds. A vision quest is the "ordeal," and the focus of a sweatlodge would be to ground, to revitalize, to offer a moment to reflect. The reason is evident in Laura Tucker's statement that she thought the Vision Quest had been a wonderful experience and wished they had stopped there. Brandy Rainey-Amstel's assessment of her vision quest offered a pretty accurate reason why:

I thought we are going to talk for a little bit, kind of wind it all down and talk about the Quest thing and those little [tobacco] pouches that we had made on our Vision Quest. It's more like the downhill slide – we just made it through that and it was going to be easy. It didn't really occur to me that with just a few short hours left in the event that we were going to do some crazy, intense things.

Perhaps it didn't occur to James Ray that the individual's Vision Quest was the challenge, not his sweat ceremony. Sidney Spencer recalled what Mr. Ray told them about his sweat ceremony: "This is about your challenge; you can either not face it or maybe you don't have it, and this isn't going to be useful to you."

Mr. Ray had promoted his Spiritual Warrior sweat ceremony to be a metaphor for death of issues that held someone back and for rebirth into a new person. He had designed and executed the ceremony to be another event in which to play full on. It was also an invitation to disaster to have a crazy and intense endurance test after a vision quest for anyone, especially someone with little if any experience being outdoors for an extended period – let alone four dozen such folks.

Ted and Debbie Mercer displayed much respect and honor toward their service as fire tenders and a fair knowledge of what makes an appropriate sweatlodge, yet couldn't impose that respect and honor and knowledge upon James Ray's conduct which repeatedly invited ill fortune to join his sweat ceremonies. A similar assessment could be made of Amayra Hamilton. She knew Mr. Ray did sweat ceremonies based on several rounds beyond the traditional four or five rounds. She told detectives that after the 2005 sweat ceremony and its problems, she had hoped Mr. Ray "would be calming that down." She was aware that Mr. Ray used 50 or more heated rocks, which she indicated she thought very unusual to the number used in traditional sweatlodges.

So what prevented the respect and honor of traditional sweatlodges that these three folks understood fairly well from prevailing over Mr. Ray's careless dismissal of safety features inherent in any traditional sweatlodge and incorporating of risk beyond traditional sweatlodges? Star-struck by the personality of James Arthur Ray? Fear of questioning the spiritual guru? Money?

SWEATLODGE COMPARED TO A MARATHON

Many of the Spiritual Warrior participants had never camped let alone been outside by themselves for 36 hours. To accomplish that during the Vision Quest had been a tremendous pushing past of personally perceived limitations. To then herd these folks into a sweat ceremony which Mr. Ray had designed to be an endurance test was not much different than asking these same folks to run a marathon after two nights of little if any sleep and 36 hours of fasting.

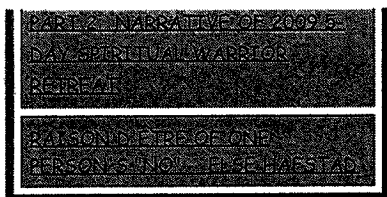
And Mr. Ray's lawyers agreed, as they stated in White Paper #1:

Participants compare the sweat lodge to a marathon, with people encouraging one another and checking on each other. One participant recalls that Mr. Ray acted like a coach, telling people 'come on you can do it, you are better than this.' Another compares Mr. Ray's role to that of a personal trainer, who always asked for 'one more rep' – one more repetition (p. 8).

The sweatlodge is a way of life. It helps ascertain balance, not conquest. It isn't an athletic event; it isn't an endurance test. Hence, a facilitator of a sweatlodge doesn't act like a coach who tells participants "come on you can do it, you are better than this." A facilitator isn't like a personal trainer who always asks for "one more rep." A facilitator is a guide; the participant determines how she or he engages the sweatlodge ceremony. A clergy person doesn't tell a parishioner to endure being on their knees for two hours, to do one more round of prayers, to do just one more round of bowing to the East despite a feeling of faintness, etc.

James Ray's sweat ceremony was an endurance test of some two hours following a 36-hour Vision Quest with little if any water or food. He offered at best an hour or so of preparatory talk about his sweat ceremony prior to leading his clients into that ceremony. A marathon is a two-hour plus endurance test, but folks hydrate during the marathon and usually prepare themselves weeks if not months ahead of the event. So why did Mr. Ray not only choose to ignore inherent safety features of traditional sweatlodges but also fail to incorporate new safety features for his marathon-like Spiritual Warrior sweat ceremony to the detriment of many of his clients?

The comparing of traditional sweatlodges to a marathon exemplifies a lack of understanding what is a sweatlodge, and the equating of James Ray's sweat ceremony to a marathon illustrates how he failed to provide for the well-being of those who trusted him.



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WAIVERS

Lawyers for Mr. Ray compared the 2009 Spiritual Warrior Retreat sweat ceremony to a marathon in their White Paper #1 and cited the waiver which participants signed as evidence participants accepted the waiver's stated conditions. Yet the same legal wits failed to point out that few if any of the participants who paid and registered for the Spiritual Warrior Retreat did any training to prepare for an endurance test like a marathon – or activities that would expose them to the possibility of dying. Lara Prieve testified she had trained for this event all summer, something few if any of the other attendees did.

Obviously Mr. Ray was aware of these risks. The following conditions were printed in the two-page *Spiritual Warrior Release, Waiver of Liability, Assumption of Risk, Indemnity Agreement and Disclaimer*.

In paragraph 1: "I release, waive and discharge James Ray International, Inc., etc. ... from all liability to the undersigned for any loss or damage, and any claims or demands therefore on account of injury to the undersigned's person (whether physical, emotional, psychological or otherwise) or property or resulting in death, whether caused by the negligence of the Releasees or otherwise, relating to the Event, whether sustained during the event or not."

In paragraph 2 "I understand that (1) there are inherent risks in the Activities; (2) people have been seriously injured by participating in the Activities; and (3) if I voluntarily choose to participate in the Activities, there is the risk that I may receive injuries requiring medical attention"

Not to exclude the underlying purpose of a JRI event, paragraph 5 of the waiver included this statement:

"I further understand that I may have the opportunity during the Event to engage in discussions regarding products, businesses or business opportunities with other attendees. I acknowledge that any decision to engage in a business relationship with an attendee, or with a person or entity relating in any way to my association with an attendee, is entirely my choice."

How often does a retreat where a charismatic person offers himself as a catalyst for personal transformation and where business opportunities can be cultivated between attendees have a waiver containing language about the possibility of death? Obviously previous experiences had taught Mr. Ray to seek legal counsel to revise his waiver to include such language. The YCSO investigation secured testimony from participants of previous Spiritual Warrior Retreats and other JRI events that provided numerous descriptions of injuries needing medical attention along with accounts eerily similar to the 2009 Spiritual Warrior sweat ceremony minus any resultant deaths. When detectives questioned JRI employee, Josh Fredrickson, about waivers, he responded: "Waivers have consistently changed and updated. When we first started they were really not good according to legal so they changed." Josh thought that the waivers had been changed one more time after the 2005 Spiritual Warrior retreat.

During the 2005 Spiritual Warrior sweat ceremony, reports of extreme distress framed the fact that one participant was transported away by an ambulance and was hospitalized.

After the 2005 Spiritual Warrior Retreat sweat ceremony, representatives and employees of Mr. Ray claimed that adjustments were made for safety reasons, except nothing was altered concerning the actual sweat ceremony – other than Mr. Ray's desire to create a bigger and hotter sweat ceremony. The sweat ceremony remained what James Ray designed it to be: an unsafe endurance test of intense heat, an extension of his philosophy to "play full on."

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"PLAY FULL ON"

In the interviews with the YCSO, several of the participants cited the phrase, "play full on." It is a phrase James Ray repeatedly used during the Spiritual Warrior Retreat and other JRI events.

Sidney Spencer, who had an extended hospital stay after the sweat ceremony, said that to "play full on" meant to her to go for it, to face yourself, and not to come into an event "half-assed" if you want to truly experience these things.

Else Hafstad, a 2009 Spiritual Warrior participant, explained to a detective that "you play full on because if you don't play full on, you are kind of getting your toes in, you are kind of not really wanting to do it, and you are not totally getting into life." Noteworthy is that Ms. Hafstad, who had never been in a sweatlodge ceremony, refused to participate in Mr. Ray's sweat ceremony because of her dislike of saunas and because of her perspective as an engineer, a woman menstruating, and a single mother of two.

Spiritual Warrior participant Stephen Ray offered this:

And one of the things that we were encouraged to do is what he called play full on, and that meant if he told you to do something, you were supposed to do it.

He said to extent that you didn't do it was the extent you were not playing full on and not getting the full value of the weekend. And the extent to what you would not be able to realize that the things that you wanted to have in your life.

And Stephan Ray stated that James Ray interwove this into his sweat ceremony: "And again it was that mantra, you know you're more than that, play full on, that's what he [James Ray] always said play full on. So he was encouraging the people that had left to come back in and several of them did come back in."

When asked by an interviewing detective about playing full on, Spiritual Warrior participant Gabriela Cassineanu responded that after attending her first James Ray event in Chicago she had realized:

So going through one experience, one workshop to another I learned that it's good for me to experience and see what I get from those experiences. If I go there, if I spent money, I wanted to see what I could learn from those experiences.

So, for me, it was play full on because I decided to do that I didn't hear that you have to play full on

So for me, I am alive towards myself. I am encouraging my clients to pay attention to the experience and am asking them what they learned from the experiences because I know that people usually don't pay attention to what's happening to them and allow others to say things.

So I like to go through these experiences myself to learn much more and to see how I react and what I can do myself and what I can do with my clients, how to encourage them to do it

So, for me, playing full on is part of the experience.

The implicit message in James Ray's "play full on" resonated with many of the folks who participated in his seminars and retreats – he succeeded in motivating them to experience life. But within the context of a sweat ceremony designed to be an extreme endurance test and engaged by people who trusted Mr. Ray with their well-being, "play full on" would contribute to deadly consequences.

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"IT IS A GOOD DAY TO DIE" - DEATH AS A METAPHOR

Many news articles immediately following the tragic sweat ceremony cited the Associated Press report that James Ray had posted on his Twitter account just hours before the deaths: "Still in Spiritual Warrior ... for anything new to live something first must die. What needs to die in you so that new life can emerge?"

Testimony to the YCSO by several of the participants echoed a similar message. In his preparatory talk prior to his sweat ceremony, Mr. Ray told the participants that they might think or feel like they might die, but they won't die – they just needed to push past that fear. A question detectives repeatedly asked the participants was if they had heard the phrase, "It is a good day to die." Some said yes, some said no, some said they remembered references to death.

The phrase, "It is a good day to die," was made popular by the fictional elderly Native American, Old Lodge Skins, in Thomas Berger's 1964 book and Arthur Penn's 1970 movie, *Little Big Man*. The inspiration for the character Old Lodge Skins, memorably portrayed by Chief Dan George, had been Black Elk. John Neihardt in his 1932 book, *Black Elk Speaks*, quoted Black Elk using a Oglala Sioux phrase translated to English as, "It is a good day to die," during Black Elk's recollection of the massacre at Wounded Knee. In both stories, the phrase was invoked with the intent to actually die.

What emerges from the testimony given the YCSO and from Mr. Ray's own promotions is James Ray's extensive use of death as a metaphor. The old must die in order for a new relationship to live – new habits, new ideas, new patterns, new hopes, new dreams, new personal relationships. People stated that death was never referenced to a person per se, but to things that inhibited a person from being satisfied with life, from playing full on.

Mr. Ray's motivational talk reflects our contemporary relationship with death. It has become largely a metaphor of transition, of endings and beginnings, or seeking closure and starting over, of impersonal news reports, of a whimsical component of virtual reality in video games and movies. The day-to-day reality of death has been largely erased from our contemporary perspective of life. It has become a distant event that happens if one lives long enough or if some unfortunate accident or illness renders death onto an individual. But death is every day, every minute. For every birth there comes a death. Animals and plants die so we can eat – only someone else kills and processes these fellow life forms for our consumption. Trees, bushes, and grasses of our manicured lawns die, but we simply replace these life forms as if they were furniture or carpet. And so on. Mr. Ray's constant reference of death as a metaphor lacked any anchoring to the actuality that death is reality.

template

PERSONAL INFORMATION
NAME: [REDACTED]
DATE OF BIRTH: [REDACTED]
SEX: [REDACTED]
RELIGION: [REDACTED]
EDUCATION: [REDACTED]
PROFESSION: [REDACTED]
PERSONAL INFORMATION
NAME: [REDACTED]
DATE OF BIRTH: [REDACTED]
SEX: [REDACTED]
RELIGION: [REDACTED]
EDUCATION: [REDACTED]
PROFESSION: [REDACTED]

PERSONAL INFORMATION PERSONAL INFORMATION

WHY?

Evidence and testimony gathered by the YCSO have established several specifics. Three people died as a result of a sweat ceremony designed and executed by James Ray. Mr. Ray borrowed the term "sweat lodge" but chose to disregard inherent safety features of traditional sweatlodges when he designed his sweat ceremony. He also incorporated risks beyond any traditional sweatlodge and created an extreme endurance test which he boasted was hotter than any traditional Lakota sweatlodge. As the facilitator, he both ignored and chose to not be aware that people were struggling to survive his endurance test, were unconscious, and were probably dead as he executed his Spiritual Warrior sweat ceremony.

But why?

Why would he unrelentingly pour five-gallon bucket after five-gallon bucket of water on red hot rocks knowing that people were struggling to endure, to even survive, knowing that people have passed out, knowing that one person had already been severely burned, knowing that he himself was pressing into the earth to seek coolness from the immense heat he was generating and building up, knowing that he repeatedly had to cool himself off with fresh outside air and water between each round? Why would he insist on playing full on, to push past what he perceived to be limitations he perceived of his participants? Or was it to push past limitations he perceived of himself? To push aside his own fears? Fear of what? Of death? Of aging?

I have been in numerous sweatlodge ceremonies that have had spikes of heat that match the kind of heat described by the participants of the 2009 Spiritual Warrior sweat ceremony. These traditional four-round ceremonies were led by male and female facilitators, led by folks of Native American blood, northern European Caucasian blood, and partial Native American blood. Many of those spikes had nothing to do with tradition and more from within the facilitator. Yet tradition still trumped such individual tweaks in those sweatlodges. There were breaks between rounds, and everyone contributed something individually during the round. No one passed out, no one vomited, no one died. Folks were allowed to leave as they indicted their desire to do so during the ceremony.

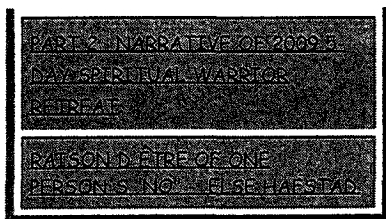
The sweatlodge has taught me that seductive is the power embodied by the heat of the rocks and water. The best facilitators are those who as leaders facilitate a ceremony of spiritual sincerity and serve and care for each of the participants. But so easy is the opportunity for a person in such position of trust and power to facilitate a ceremony to serve himself or herself. It is the reversal of the fable of Narcissus who drowned in admiration of his own image in a pool of water. Some folks drawn to facilitate sweatlodges have unresolved anxieties from their past. There is a hole inside that person, and Nature abhors a vacuum. The more aging enlarges the hole to being a chasm, the more someone tries to fill it with something – like heat, heat, and more heat generated by steam from water poured onto hot rocks.

During a January 2010 interview in which immunity was granted Megan Fredrickson, Det. Mike Poling, after over three months of intensive interviews and learning about sweatlodges, was still trying to grasp a sincere understating of a sweatlodge. He explained that he understood why Mr. Ray claimed the 2006 Spiritual Warrior sweat ceremony wasn't hot enough and what Mr. Ray was trying to achieve. And Det. Poling wondered aloud,

But this heat is the purpose of this sweat lodge; it doesn't work if it's too cold. It has to be hot for this to happen and that's what I'm not understanding. Why does he have to have it hotter in there? It's to achieve something? Do you see where I'm going? What's the difference if it's 112°F or 120°F? What does it matter? The experience, from what I understand, is your own personal growth. Why does it have to be hot to get that personnel growth? Can you not have it at a cooler temperature and still achieve a spiritual experience or does it have to be hot to get there?

Det. Poling addressed his query to a person whose only knowledge of sweatlodges was through James Ray. The intense heat Mr. Ray generated in his sweat ceremony served some inner need within himself and was beyond the sincerity of Det. Poling's reasoning.

In an interview with Ken Fustin who had attended other James Ray events but not the 2009 Spiritual Warrior Retreat, Det. Poling began to expose Mr. Ray's want for unrelenting heat. Previous testimonies had revealed to investigators that Mr. Ray kept room temperatures at his free seminars in the 50°F to 60°F range as a method to encourage people to sign up for his expensive extended events. Det. Poling wondered aloud without any resultant answer, "If he has his staff members controlling the temperature of a hotel conference room and he is doing it on purpose and he is creating an atmosphere by controlling the temperature, why isn't he controlling the temperature in a sweat lodge?" Mr. Ray was – by elevating the temperature as hot as he could tolerate for his own internal needs.



The portrait of James Ray rendered by some of the more observant participants of his sweat ceremonies leaves the impression of someone completely focused on his own intentions during the ceremony for which he is the master. In traditional sweatlodes, the facilitator's prime role and focus is ensuring the well-being of the participants. The facilitator's personal needs are secondary, if anything at all. The complexities of how and why James Ray was obsessed with playing full on, with needing to prove to himself and to his followers that he can push beyond the extreme heat of his sweat ceremony probably lay beyond explanation. Those complexities were expressed in his actions.

HUBRIS: CEO VS. FACILITATOR

Megan Fredrickson explained why the Spiritual Warrior Retreat sweat ceremony wasn't reduced to a more traditionally sized sweatlodge ceremony. When Det. Mike Poling asked Megan, "Was there a discussion about having two separate lodges," she responded:

Yes. James always held that doing two separate lodges wasn't preferable, I guess is the best word, because for him to physiologically lead two lodges would just be too hard on him. And in terms of doing it on two separate days, he didn't really feel like that would go with the flow of the events. And if we were to split it in two and have two different facilitators, he didn't know who could do that. My understanding is that James didn't feel that there was another person who could be trained to lead his lodge.

Det. Poling logically asked, "Why? Why couldn't someone else lead it?"

Megan replied, "My understanding is that it's not that someone couldn't physically lead it; they couldn't do it. Folks are coming to the seminar for James Ray. So it would need to be someone who the participants would feel was a good substitute for him and still feel like they got their value out of the event."

Det. Poling pursued his line of thinking: "Are they coming to this event for James Ray, or are they coming to this event for the experience of what he's offering? What would be the difference between two different people in a sweat lodge that he couldn't have someone else do it? What does he do that's special that someone else couldn't do inside the lodge?"

Ms. Fredrickson answered,

I don't know how to exactly answer that because I don't know why. There's a variety of people who come for a variety of reasons. And there's folks who really want to be at the event because of the content, and there's folks who want to be at the event because of the content but because they also believe that their gonna get the most value from James – they just resonate with him. And then there's folks who come because they love James Ray, the guy.

Folks had paid several thousands of dollars to come to the Spiritual Warrior Retreat to buy not only a service, but also the attention of James Ray. What they got for their money in October 2009 was James Arthur Ray CEO whose main focus during his five-day Spiritual Warrior Retreat was to increase the bottom line.

For the money to participate in the Spiritual Warrior Retreat, Mr. Ray had designed and structured various exercises. An overview of the exercises he conducted at the Spiritual Warrior Retreat reveals tests for people to overcome, yet Mr. Ray didn't do most of what he subjugated his clients to: didn't fast, didn't shave his head, didn't have to lay down on the tarps and be hosed off after his sweat ceremony. Moreover, James was able to use water to cool himself off between rounds in the sweat ceremony and sat next to the door to the lodge during his sweat ceremony where he received generous amounts of cool air – something limited to those immediately next to him. In short, James Ray wasn't in touch with what his paying participants had been or were experiencing.

While Mr. Ray claims that his seminars incorporate team-building concepts he learned while working for AT&T, all the activities at the Spiritual Warrior Retreat focused on participants performing activities that tested individual limitations, not abilities to coordinate with others. There was encouragement or pressure to be part of the group, like the initial day of shaving off your hair or being 36 hours by yourself on a group Vision Quest, but the week's exercises didn't test abilities to coordinate with others.

And what was Mr. Ray doing while his fellow Spiritual Warriors were on their 36-hour Vision Quest? That Wednesday, as determined by investigating YCSO detectives, he visited nearby Mago Retreat Center near Cottonwood. Mago Retreat Center is a 160-acre facility in the heart of the Coconino National Forest. Angel Valley is a 70-acre facility with lesser amenities. Mr. Ray wanted to elevate the Spiritual Warrior Retreat to a 100 or more clients; the Hamiltons had neither the facilities for that ambitious of an event at Angel Valley nor the desire to continue with Mr. Ray. Both knew that 2009 would be the last year for their contractual relationship. Hence, with his paying participants on a 36-hour Vision Quest journaling about intentions they wanted to pursue or to cleanse from their lives, James Ray pursued this intention of fulfilling the needs of a larger Spiritual Warrior Retreat and visited Mago Retreat Center. And the Mago Retreat Center, though ensnared with its own local and legal issues, provided a much more renowned location for this ambitious CEO of JRI.

While testimony hasn't revealed whether or not Mr. Ray had successfully reached an agreement with Mago, when he entered that sweat ceremony on Thursday, he very likely entered with his focus on being James Arthur Ray CEO, not James Ray the personal motivator. The lack of any emotion that many testified dominated Mr. Ray's face, his minimal

attempts at helpful action, and the absence of any sense of urgency as he began to recognize the carnage at the end of his sweat ceremony could well have been the look of shock and disbelief a CEO has as the vision of the golden opportunity to expand the bottom line evaporated. It could well have been the look of someone suddenly overwhelmed with a crisis larger than what he could grasp – the look of denial. It could have been the look of realizing Death had shown up as a participant rather than just an overused, indistinct metaphor. It could well have been all of those.

Whatever was going on inside James Ray's head and heart had nothing to do with a sense of urgency. YCSO officers found Mr. Ray in his room next to the dining hall eating after he had just taken a shower. When asked to return to the lodge site to answer questions, he responded, "Right now?" And then he asked if Josh Fredrickson could answer any questions the YCSO officers might have. James Ray was recovering from his self-proclaimed intense, super-hot "sweat lodge." Nonetheless, he put on some pants, grabbed a jacket, and didn't forget to bring along his cell phone with which he would soon be using to contact lawyers.

Mr. Ray himself has repeatedly echoed the statement from his legal team in their White Paper #1: "The evidence would show that Mr. Ray and numerous others who sat through the sweat lodge had no idea of the seriousness of the problems suffered by some of the participants until the ceremony was over" (p. 13). It is unreal that a capable sweatlodge facilitator would NOT be aware that someone was unconscious let alone dead during any traditional sweatlodge ceremony. The primary focus of the facilitator is to be a guide for the participants and to monitor their conditions. And testimony establishes that Mr. Ray's focus was on the commercial aspects of his Spiritual Warrior sweat ceremony and on his own personal intentions, not on his paying participants.

Mr. Ray is an exceptional motivational speaker. He has earned the praise and money for his abilities. He can motivate and inspire your imagination, your desires, your sense of pushing beyond your self-construed limitations. But he lacks the skills and perhaps even the desire to supervise someone else's well-being or safety.

Since being arrested and charged with three counts of manslaughter, Mr. Ray has complained he is financially broke. The investigation by the YCSO included extensive details about an exercise he designed for participants to do at his April 2009 Creating Absolute Wealth seminar, a Friday through Sunday JRI event held in San Diego. The exercise was dubbed about being homeless, and Megan Fredrickson tried to enlighten inquiring detectives:

So the idea of absolute wealth is really saying that you have the ability to create whatever you like in your life. And the idea of resourcefulness, meaning that everything that exists around somewhere and you have to become resourceful to find it. And he [James Ray] shares with them, that it's their opportunity to become resourceful.

What he invites them to do is to wear different clothes, to take off their make up, to not bring any of the personal belonging with them – no first aid, no cell phones, no watches, no ID. He invites them to either live in their hotel room, if they are staying there, or in the car, if they are staying there. And we provide different clothing for them, and the clothing is just kept in a bin and it's all cloths that we bought from goodwill for whatever. And they pick different clothes and they go up to room or the bathroom and they changed and they wash off their makeup.

And then James poses to them, you are going to go to downtown location and it's your opportunity to make, create your experience what it is that you want to create today. And he really leads that up to them and what they want to do, but he does challenge them to find their own lunch, find water, find a bathroom, the things that you would kind of do on a normal basis. But can you do this without the persona that is you? Can you do it without a credit card? Can you do it without your makeup? Can you do things like that?

Can Mr. Ray do it without his millions of dollars? Without his make-up, his identity of being the pitchman for JRI? Can he engage the very exercise for which he charged much money for other people to do? Can he walk his talk?

SWEATLODGE & THE COURTROOM

James Ray is guilty of misusing the term "sweat lodge," but he isn't guilty of facilitating a sweatlodge. He is responsible for designing and executing an extreme endurance test as a bogus sweat ceremony.

Was this tragic incident similar to a drunken driver causing a driving accident in which other people die? Did the drunken driver intend to kill someone? No. But was that drunken driver negligent? Was he reckless? Was Mr. Ray drunk on the power of people listening to him, of following him, of paying him obscene amounts of money to do so? Clearly money and his own hubris influenced how he designed his sweat ceremony. But are money and hubris the decisive reasons he brushed aside safety features and added risks that unmistakably endangered the well-being of his participants?

If a drunk driver chooses to ignore the speed limit, if a drunk driver chooses to ignore stop lights or stop signs, if a drunk driver chooses to pass other vehicles in precarious situations, then that drunk driver is choosing to disregard standard safety behavior and to create risk beyond normal driving. Does the analogy stick to James Ray and his sweat ceremony?

Was the tragedy avoidable? At so many points during this sweat ceremony designed to be an extreme endurance test, James Ray could have followed the tenets of traditional sweatlodges which he had forsaken for his own intentions. He could have stopped the ceremony after four or five rounds. He could have ladled the water on the hot rocks, rather than pour four to five gallons of water on them. Or he could have poured only one gallon of water. He could have allowed water for drinking and cooling off purposes to be passed around inside the lodge between rounds. He could have had the sides lifted between rounds, as can be done in traditional sweatlodges, to cool off the immense heat. He could have asked how folks were doing, rather than encourage anyone who wanted to leave to play full on. He could have requested a more traditional number of hot rocks each round. He could have listened to those who had a better understanding of what traditional sweatlodges are. He could have prevented Death from showing up as a participant, rather than just as a metaphor.

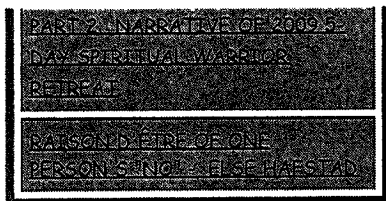
To those familiar with traditional sweatlodges, the individual narratives of the participants of the 2009 Spiritual Warrior sweat ceremony portray a story that spirals into absurdity. And the person conjuring the forces conspiring to whirl toward this tragic outcome was a heedless James Ray.

He was the young sorcerer's apprentice of Walt Disney's *Fantasia* minus the Mickey Mouse ears and the desire to clean up his deadly consequences.

James Ray is a businessman. Mr. Ray will cut his loses and settle civil suits out of court. His criminal trial for three counts of manslaughter is scheduled to begin in late August 2010. The defense of his legal team could very well put the "sweat lodge" on trial, not Mr. Ray. And it will be difficult to dismiss the usage of the term "sweat lodge." People have labeled this incident as a "sweat lodge." Headlines and news reports reference the tragedy and deaths as "sweat lodge." Even Dr. A. L. Mosley of the Coconino Health Department stated in the autopsy report for Liz Neuman that she had "died as a result of multisystem organ failure due to hyperthermia due to prolonged sweat lodge exposure." Lacking any substantial experience with and thus understanding of traditional sweatlodges, so many have branded the sweatlodge with guilt by inappropriate word association.

A rose by any other name is still a rose,
and James Arthur Ray's sweat ceremony,
designed to be an endurance test and to make money,
by any other name still isn't a sweatlodge.

Even though Mr. Ray's sweat ceremony wasn't a sweatlodge, his lawyers only have to convince one person in a jury composed of folks whom they will undoubtedly prefer lack any sincere and genuine relationship with traditional sweatlodges. Whether or not Mr. Ray is guilty of manslaughter is to be determined by a jury – or a plea agreement. As Mr. Ray's lead lawyer, Luis Li, stated in early February after the arrest of Mr. Ray, "Let's not forget the reason our legal system is the envy of the world is because everyone is innocent unless proven otherwise." But the sweatlodge has become a mistaken and innocent accomplice to a tragedy begotten by ego and greed. To paraphrase James Ray's "play full on" philosophy, it is the



way of a coward, not a true Spiritual Warrior, to hide behind such a tactic.

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SPIRITUAL WARRIOR RETREAT ~ 2010
from jamesray.com/events/spiritual-warrior.php (October 2009)

Let's face it, in our culture (no matter what people say), uniqueness is not rewarded. When you were in kindergarten, you were taught to color inside the lines. When it was time to snack, you snacked, and when it was time to take a nap, you took a nap. Conformity was a highly-rewarded virtue.

In elementary school, it became even more important to be just like everyone else. If you dressed a little differently, you were laughed at. If you spoke funny, you were ridiculed. And God forbid you had your own ideas and opinions...

In high school and college, it became absolutely critical to fit in... But by this time, you were good at it. You knew what was expected of you, and if there was any way you could, you delivered.

Well boys and girls, it's time for a wake-up call...

Look around—who's really making it?

Who are the movers and shakers?

My goodness... Yesterday's biggest nerd is today's richest man in the world (and he doesn't even have a college degree). Do you think he colored inside the lines? Hardly.

So here you are, attempting to achieve your heart's desires, and all you've ever been trained to do is stay within the lines and do what everyone else does.

You want more?

You can't just do more to get more... you've got to do things differently. That's the difference between winners and also-rans.

In Spiritual Warrior, you'll build upon what you started in Practical Mysticism. You'll become privy to techniques (many kept secret for dozens of generations) that I searched out in the mountains of Peru, the jungles of the Amazon (and a few other places I don't care to recall).

Mastering these (quite esoteric) practices required me to think and act more differently than I've ever had to before. At first it was quite grueling, but the results...well...all I can say is, "Wow!"

It wasn't until I had completely mastered these concepts and techniques that I was able to combine them with state of the art scientific technology and, as always, create practical real-life applications (you should know my style by now).

Check it out:

- **You'll accelerate the releasing of your limitations and push yourself past your self-imposed and conditioned borders (no more coloring inside the lines)...**

You'll carve out your own destiny and quickly develop the strength and determination to live it...

- **You'll learn (and apply) the awesome power of "integrity of action"...**

- You will (perhaps for the first time in your life), have a gut level understanding of "The Four Enemies of Power." You'll learn to recognize them at a glance, and instantly defeat them when they arise...

- **You'll define and enforce your own boundaries—without someone else telling you what they should be...**

- You'll experience a new technologically-enhanced form of meditation that creates new neurological pathways, allowing you to experience powerful whole-brain thinking (this one's gonna knock your socks off)...

- **You'll experience, at the spiritual level, the ancient methodologies of Samurai Warriors; and gain a true understanding of the authority and strength that come from a life of honor...**

Look, you've most probably spent your whole life staying within the lines to get what you've got (or at least a major portion of it). Join me outside the lines in this heroic quest for higher consciousness...

There is no sacrifice—only greater and more magnificent results, wealth, adventure and fulfillment.

You owe it to the rest of your life to get to Spiritual Warrior as quickly as you can.

The investment is **ONLY \$9695 per person.**

Sept. 18-23, 2010 ~ Sedona, AZ

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[illegible]

2009 SPIRITUAL WARRIOR SWEAT CEREMONY: A PROBABL SEQUENCE OF EVENTS BY ROUNDS

ROUND 1 – about 3:00 PM 12 rocks brought in.

End of Round 1, Fawn Foster, an Angel Valley employee helping on the outside, testified that 3 folks came out and collapsed.

1. Carl Nelson left.
2. Louise Nelson left.
3. Sylvia de la Paz left.

ROUND 2

1. 56 - 3 = 53 people inside lodge.
2. 12 rocks brought in, 24 total rocks.

End of Round 2, Fawn Foster testified that 3 folks came out.

1. Lynette Wachterhauser left.
2. Rosemary Senjem left and reentered for Rounds 5 and 6.
3. Richard Wright, Jr. left and reentered for Rounds 4-8.

ROUND 3

1. 53 - 3 = 50 people inside lodge.
2. Probably 8 rocks brought in; 32 total rocks.

End of Round 3, probably 3 folks came out at, and 1 person reentered at start of Round 4.

1. Christie Hsiao left.
2. Melissa Phillips left and reentered for Rounds 6-8.
3. Elaine Cerro left at end of probably Round 3 thinking the ceremony was over when someone had said they were done. Melissa Phillips sat 1 or 2 person behind and to the left of Elaine.
4. Richard Wright, Jr. reentered for rounds 4-8.

ROUND 4

1. 50 - 3 + 1 = 48 people inside lodge.
2. Probably 6 rocks brought in; 38 total rocks.
3. John Patrick Ebert left under flap during Round 4 and reentered for Rounds 7 and 8.
4. 48 - 1 = 47 people in lodge.

End of Round 4, probably 4 folks came out at, and 1 person reentered at start of Round 5.

1. Greg Hartle left and reentered for rounds 6-8.
2. Randy Potter left and reentered for rounds 6-8.
3. Scott Barratt left when Randy Potter in front of Scott crawled out; Barratt reentered for rounds 6-8
4. Lou Caci left after round 4 or 5 with a severely burnt hand (when he accidentally fell into the pit of hot rocks) and reentered for last round; Dr. Jeanne Armstrong remembered Lou's leaving being the first "incident."
5. Rosemary Senjem reentered for Rounds 5 and 6 and then left.

ROUND 5

1. 47 - 4 + 1 = 44 people inside lodge.
2. Probably 4-6 rocks brought in; 42-44 total rocks.

End of Round 5, probably 5 folks came out at, and 4 folks reentered at start of Round 6.

1. Michael Olesen left and reentered for Rounds 7 and 8.
2. Linnette Veguilla left and needed help in leaving.
3. Brandy Rainey-Amstel left and staff members needed to drag her out
4. Dennis Mehravar passed out as he was exiting or after he had exited the lodge.
5. Ami Grimes dragged out unconscious by William Lerversee and others at end of probably Round 5; Dr. Jeanne Armstrong remembered Ami having to be dragged out being the second "incident."
6. Melissa Phillips reentered for Rounds 6-8.
7. Scott Barratt reentered for Rounds 6-8.

8. Greg Hartle reentered for Rounds 6-8.
9. Randy Potter reentered for Rounds 6-8 and recalled 4 people were helped out of the lodge just before he reentered.

ROUND 6

1. $44 - 5 + 4 = 43$ people inside lodge; first two unconscious persons – Dennis Mehravar and Ami Grimes.
2. Probably 4-6 rocks brought in; 46-50 total rocks.

End of Round 6, probably 5 folks came out, and 2 folks reentered at start of Round 7.

1. Rosemary Senjem left.
2. Danielle Grandquist left after Round 5 or 6.
3. Sandy Andretti needed help to leave; she thought she left after Round 6 when her coach on one side left and a woman on her other side left.
4. Tess Wong passed out probably in Round 6 and was dragged out by John Ebert and others.
5. William Leversee probably left after helping to drag out Tess Wong.
6. John Patrick Ebert helped drag out Tess and then reentered for Rounds 7 and 8.
7. Michael Olesen reentered for Rounds 7 and 8.

ROUND 7

1. $43 - 5 + 2 = 40$ people inside lodge; third unconscious person – Tess Wong.
2. Probably 4-6 rocks brought in; 52-54 total rocks.

End of Round 7, probably 2 folks came out at, and 1 person reentered at start of Round 8.

1. Sidney Spencer passed out trying to leave and was dragged out by Josh Fredrickson, James Shore, and others.
2. Josh Fredrickson left after bumping head while helping to drag Sidney Spencer out.
3. Lou Caci reentered for Round 8.

ROUND 8

1. $40 - 2 + 1 = 39$ people inside lodge; fourth unconscious person – Sidney Spencer.
2. Fawn Foster testified that James Ray was told at start of Round 8 that folks were unconscious inside the lodge; at least 2 known unconscious people (probably 3 – Kirby Brown, Linda Andresano, and Sean Ronan) remained in lodge for Round 8.
3. Probably 4-6 rocks brought in; 58 total rocks.

End of Round 8 – about 5 PM

1. Stephen Ray crawled out and then passed out.
2. Linda Andresano probably passed out in Round 7 and was dragged out by Lou Caci, Scott Barratt, and Greg Hartle.
3. Sean Ronan passed out during round 8 and was last one dragged out.
4. Liz Neuman was helped out and then probably passed out after emergency personal arrived; she later died.
5. Kirby Brown was unconscious or dead.
6. James Shore was unconscious or dead.
7. 39 people inside lodge at the end, 4 of them unconscious or dead – Linda Andresano, Sean Ronan, Kirby Brown, and James Shore – and 2 about to go unconscious – Stephen Ray and Liz Neuman.

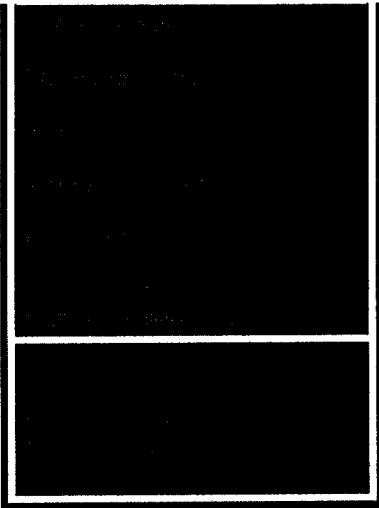
5:19 PM Area emergency vehicles were dispatched immediately following two 9-1-1 calls placed by Debra Mercer and Amayra Hamilton.

5:52 PM First responders reach the scene.

Verde Valley Medical Center

1. Linda Andresano
2. Kristina Bivins
3. Kirby Brown (deceased)
4. Loci Caci (ICU)
5. Ami Grimes
6. Dennis Mehravar
7. Melissa Phillips
8. Brandy Rainey-Amstel
9. Sean Ronan
10. James Shore (deceased)
11. Linnette Veguilla

Flagstaff Medical Center



1. Stephen Ray
2. Sean Ronan
3. Sidney Spencer
4. Tess Wong (ICU)

Sedona Medical Center

1. Sandy Andretti
2. Kim Brinkley
3. Robert Grain
4. Teresa Grain

· The statistics suggest that if Mr. Ray's expanded sweat ceremony had been only the traditional four or even five rounds for this eclectic group of novices, everyone would have survived.

· Evidence of Mr. Ray's ceremony entering a danger zone began accumulating by Round 6: people were starting to pass out and testimony portrayed the ceremonial structure of James Ray-led chanting, singing, or praying and the unison shouting of one's intentions dissipating after four or five rounds and the ceremony becoming a testing of one's endurance against the heat.

· Unfathomable is the complete obliviousness by Mr. Ray, his support team, and even the participants themselves of "THERE IS SOMETHING WRONG HERE" with 10 out of 56 participants having passed out or staying unconscious, especially with two or three people known to be unconscious inside the lodge during the last round.

PART 2: A NARRATIVE OF THE 5-DAY SPIRITUAL WARRIOR RETREAT

On Sunday, October 4, the first day of the Spiritual Warrior Retreat, paying participants were required to sign waivers for both JRI and Angel Valley. Of the participants interviewed by the YCSO, most related that not much time was devoted to either reading or discussing what the waiver said and that signing it was just a routine act to initiate the five-day retreat. What is clear was that JRI neither interviewed participants nor had them fill out forms to screen for potential medical issues. Several participants indicated they were unaware that the retreat included a Vision Quest and "sweat lodge" until they had read the waiver; several stated they were aware from the literature they had received prior to arriving.

During one of the interviews with Megan Fredrickson, the closest assistant to Mr. Ray, the following exchange between her and Det. Mike Poling characterized the impact of the waiver on most participants. Det. Poling was questioning Ms. Fredrickson about her initial Spiritual Warrior Retreat in 2004 where she was a paying participant prior to joining JRI as an employee.

Det. Poling: Does the release form say anything about death?

Megan: I don't know what the release form I signed said.

Det. Poling: Did you read it?

Megan: I am sure I did at the time

Det. Poling: If you read it, would you be concerned it said the word *death* in it?

Megan: I don't think so.

Det. Poling: Why not?

Megan: Because it's a standard release form that you would sign. I've been to different events before where you signed a release form that included anything up to including death, including just an event that would be in a meeting room, and it doesn't seem likely so. I don't think I would be concerned, no.

Det. Poling: So, you weren't concerned about death?

Megan: No.

After waivers had been signed and participants had checked into their sleeping quarters, apparently the first group activity of the Spiritual Warrior Retreat was the opportunity to shave off one's head of hair. Participant Randy Potter stated:

We arrived and were being oriented on the grounds and what we were going to do. This thing was brought up as a way to let go of your self-image and to realize that you're potentially held back by having to look good. And for most of the men that was a non-event. I've had my head shaved for like ten years of my life before, so it was no big deal. But for the women, I think many of them recognized that that was something that eventually was an issue for them, but from what I know it was anywhere between 15 and 25 of them did [have their hair cut off].

Stephen Ray (no relation to James Ray) echoed Mr. Potter's statement saying he thought shaving one's head helped people recognize their having "unhealthy attachment to things in their looks" and how

it hinders them from really becoming fully conscious and fully loving and fully accepting of others because of this mask that people hide behind which is like hairstyles and cloths and jewelry. And this was a chance for people to rid themselves of that and just experience what would be for them. Some people it was no big deal; some people it was very dramatic. I did it, and at first I said, 'Oh, not a big deal, hair grows back.' And after that, it just kind of bothered me. I think what came up for me was what family and friends were going to say when I got back.

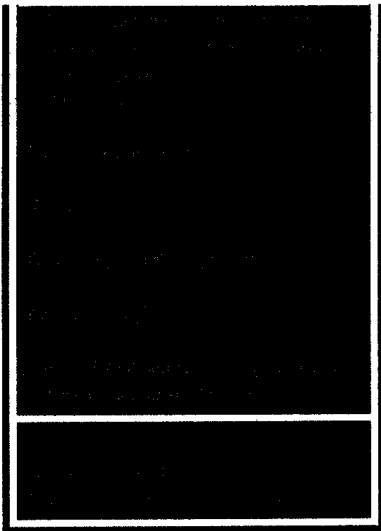
Shawana Bowen, who arrived at Angel Valley to help with the sweat ceremony just as the ceremony was ending, offered this perspective as an outsider:

I thought there was a lot of women there that maybe shaved their heads. Then this woman said she wanted to play full on so she shaved her head. I got the impression from the people that they felt judged if they didn't or something like, 'I wanted to play full on so I shaved my head.'

Why did folks agree to have their hair cut short or shaved off?

Danita Olesen said the purpose was to let go of attachment; if someone couldn't let go of something that will grow back, then how can that someone let go of other things.

Sidney Spencer said shaving one's head of hair was for people who worried too much about what others think and to help someone overcome that so he or she could expand. She said no one was forced to cut their hair.



A participant in the 2008 Spiritual Warrior Retreat, Karen Wendt offered this upbeat reaction to the shaving of her head:

I am really, really, really dependent and realized how much I depended on my hair and my clothes and everything as a part of me. So when I shaved my head, this really took me by complete shock, and it helped me really focus on me. If I want to look pretty, the pretty had to come from inside me and not my hair and not my clothes or anything like that. When I shaved it and I hadn't shaved gray hair, I was like, 'Whoa.' So it really helped me look inside me. And I am single, but I never had so many people asking me out. Because it had to come from me, inside me, it was genuine. It was really all me, and I took that as a great experience.

Maybe four-fifths of the 2009 participants shaved their heads, including Kirby Brown whose corpse was returned to her family minus her long hair. Mr. Ray didn't, maintaining his well-groomed looks portrayed in his publicity photo. Another one who didn't, Else Hafstad, told detectives that she had arrived late at the Angel Valley, missed Mr. Ray's introduction, and watched the last two people have their heads shaved. She was then asked if she wanted her hair cut off. She responded that shaving her head didn't mean anything to her, so she didn't.

THE SPIRITUAL WARRIOR RETREAT BEGINS

What James Ray asked his Spiritual Warrior participants to do to begin their retreat is exemplified in the extended description provided by participant Stephen Ray:

And then you start out writing, and you know it's kind of like free writing, whatever comes to mind. And the first thing that you were supposed to start writing about was all of the people that you have had sex with. And you don't limit yourself, but you go off on a tangent that you just write, write and write.

I think not the very first night that we arrived but the following night, once we were given that recapitulation assignment, you were supposed to just keep writing and not stop, just keep writing, writing, and writing. And you were supposed to stay up as long as you possibly could that night.

And one of the things that we were encouraged to do is what he called play full on and that meant if he told you to do something, you were supposed to do it. He said to extent that you didn't do it was the extent you were not playing full on and not getting the full value of the weekend. And the extent to what you would not be able to realize that the things that you wanted to have in your life.

So I was up all night that first night of recapitulation. And then again the following night, I was up until I would say 5:30 in the morning.

Randy Potter echoed a similar response:

Every night you were in sort of the seminar or whatever until ten o'clock, till midnight or something like that, and then you were writing in a journal that some people sit all night, multiple nights, prior to going out on this Vision Quest. And then many people continued writing as they were out [on the Vision Quest].

I personally did not because at the time that I had went to that Vision Quest, I'd already written 40 pages. I felt like I had covered everything that I could possibly uncover in my past that would have ever had any effect on me. Many people probably didn't sleep [those first few nights].

Participant Ami Grimes also described the introspective emphasis of the first three days of the Spiritual Warrior Retreat:

Monday, we started with our assignment to just write, write, and write and to pay close attention to where our thoughts, you have these free thoughts like a thought intrudes on the thought you are having and to write on that until you get to the end of that thought, and if something else popped in, just to write. And we wrote, wrote, and wrote, and that's pretty much what we did. We did some group meditations, and then we just wrote. And then we had like a question-and-answer session throughout the next two or three days to Tuesday.

Linda Andresano offered a more detailed depiction of the type of introspection that was encouraged:

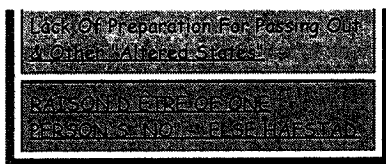
The very first thing that we talked about when we talked about stuff that's in your way of being who you want to be, doing what you want to do, all that kind of stuff has to do with sexual stuff. And that was the first thing that we delved into which I thought was like man, dive into the deep end.

And he [James Ray] said something that I thought was really, really interesting which was most women have been abused somewhere or another. And I have never heard anybody say that before, but I'd tell you, in my nursing experience and in my life seeing people stuck in all these kinds of stuff, I am not a counselor or anything like that, but I would rate that highest in my psych stuff in nursing, probably because I had my own psych issues.

I mean I talked about jump right into the deep end of the core just for men and for women and talk about it and write, write, write of the experiences and all those kinds of stuff.

Elaine Cerro said she had thought the Spiritual Warrior Retreat would help her open up more psychically. Instead, Cerro stated the retreat was for people to express the bad things in their lives and get rid of the "baggage." Fellow participant Lara Prieve reinforced that notion describing how she was ill all day Tuesday, the third day of the retreat, with vomiting and diarrhea. Ms. Prieve told detectives throwing up was very common when doing really intense spiritual work. I can't recall any descriptions of vomiting in the stories of Jesus or Buddha or the people who came to them seeking spiritual guidance.

But for James Ray to ask folks, who have paid him exorbitant fees as an act of trust, to open up doors and expose or drag out blemishes of human will that have been well hidden in



chambers built for emptiness, then guidance has to be more than just his subsequent advice that each person needs to look out for his or her own well-being and to do what is best for himself or herself. Not all survive the careless act of dropping a child who doesn't know how to swim into the deep end of a lake with the intention of teaching that child how to swim.

Personal Log

Personal Log of Communications

MONDAY

During the five-day Spiritual Warrior program, paying participants attended lectures or seminars apparently held in Crystal Hall from Sunday to Tuesday based on this daily schedule with approximate times:

7-8:00 AM Breakfast
8:00 AM Group Gathering
1:00 PM Lunch
2:00 PM Group Gathering
6:30 PM Dinner
8:00 PM Group Gathering
11:00 PM Day Ends

Stephen Ray told detectives every morning they would meet around 8 o'clock to do about a half an hour of yoga before having breakfast.

Nell Wagoner, a gynecologist, offered an overview of James Ray's lectures. She said Mr. Ray was really intense in his lectures, and sometimes he asked people not to leave even if they needed to go to the bathroom. Nell talked about the constant tension of whether hydrate, go to the bathroom, or stay put. If people left to visit the bathroom prior to the beginning of a meditation, Mr. Ray would tell them they couldn't return until the meditation was over. She stated that people were allowed to have water in the lecture and that a big pot of water was provided.

On Monday evening, Mr. Ray led his participants on an exercise he had contrived as "Breathwork." Some of the folks interviewed cited Mr. Ray's inspiration as Stanislov Grof's book *Holotropic Mind*. Many of the participants referred to the exercise as "Holotropic Breathwork." Folks gathered inside the meeting tent, and Mr. Ray instructed them to lie down, relax, and breath in through their noses and exhale through their mouths while loud music played. The exercise lasted some two hours. More than one participant described it as self induced hyperventilation to cause visions - to experience an altered state of consciousness. And Richard Wright, Jr. speculated the intent of this "altered state" through breathwork was so "you can face whatever stuff is going on inside you." Ami Grimes fell asleep because she became so relaxed and felt "so comfortable laying there on the ground."

When Det. Mike Poling asked what was the purpose or the goal of holotropic breathing, JRI employee Josh Fredrickson responded:

So the goal. I'll back up and paint the bigger picture. One of the things that we teach as early as Harmonic Wealth weekend or The Power to Win is that you have a lot of unconscious or subconscious issues or baggage or blocks that kind of hold you back from your results or things that you could achieve. And so James talks about a lot of that stuff in the earlier events and sets it up to these later events. The idea is that the more that you can release these unconscious issues that you have, the more you're stepping into your own life and you're able to live it more intentionally.

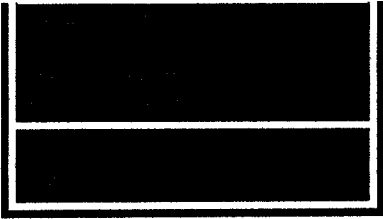
So if you explode in traffic, that's something unconscious coming out because you don't necessarily really care if someone cuts you off or something. It's something that triggers inside you that you are not aware of that causes that. So you have to kind of work through that kind of thing and live your life in a more controlled or responsible way.

So the purpose of a lot of what happens at these events is to uncover those, release those, replace them with new beliefs or thoughts that you choose.

So the purpose of Breathwork is it's a physical experience so you breathe in and out rapidly and there is loud music playing and you breathe in and out like for about 90 minutes. And my understanding of what you are doing is you are over oxygenating the blood cells in your body and it causes your body to tingle and you'll experience different things. By doing that, you're setting the conscious mind aside, you're getting it out of the way. So I would liken it to probably a common experience that we've all had is getting drunk where you know you're there but your conscious mind is away and so you're more open. You're not in a very controlled state in terms of what you're thinking or feeling.

So physically you are laying down on a mat and the music's playing loud and you're breathing in and out and your body will tingle or whatever. Your throat will get sore just from breathing so rapidly for so long.

And then mentally what you're experiencing I would liken it to a very vivid dream because your eyes are closed while doing it. So some people do fall



asleep during it, and they stop the rapid breathing. They just start breathing normally. And so it's like a very vivid dream, and so whatever is in your unconscious awareness it's coming out and you're working through it.

And after you're done with the 90 minutes, you roll over and you draw a picture of your experience on a sheet of paper, and that just helps you to get back grounded because you are a little bit faint from breathing that long. And then you're supposed to go back and journal about it and then figure out what it meant or what came to you and what you experienced.

TUESDAY - THE SAMURAI GAME & THE VISION QUEST

Laura Souter told detectives that prior to the five-day seminar, she had received a booklet: I read through that a couple of times. It did say that there was an expectation you would be by yourself and that also you might be without food for a period of time. I knew that I was going to be alone. I think it was explained very clearly this is what's going to happen. I knew that I was going to be dropped off, and then I would be by myself. But I also was aware that we weren't very far away.

She also said that Mr. Ray explained the Vision Quest in detail at the Spiritual Warrior Retreat and that she took very clear notes on tasks they were to perform while on the vision quest.

Other participants described not being aware of the Vision Quest in advance typified by Elaine Cerro's statement: "It was all explained but just before it. We were told what to bring on our packing list, but nobody was given advance information."

Participant Dr. Jeanne Armstrong probably provided the best detailed explanation on how the participants were prepared for the Vision Quest.

Det. John Johnson: Did you get printed materials or something as far as the Vision Quest, what that was gonna contain or entail?

Jeanne: In the printed materials, it outlines some of the things you're gonna be doing. And based on the things they tell you to bring, sleeping bag, warm gloves, toilet paper, I could assume that we were probably going to be spending overnight outdoors.

Det. Johnson: It doesn't say specifically though?

Jeanne: No

Det. Johnson: So when did you find out what the Vision Quest was? That you're gonna be out there for this period of time?

Jeanne: It was that morning they explained it because during lunch one of the things we were supposed to do is pack our bag with the things that we needed in it and also to wear the clothing that we wanted to wear for that experience.

Apparently, the Vision Quest in previous years had been for three nights and two days. According to Josh Fredrickson, a key JRI employee, Mr. Ray had shortened the Vision Quest to two nights and one day and had eliminated extended outdoor hikes as a group to accommodate the incorporation of additional exercises into the Spiritual Warrior Retreat, namely the Samurai Game. Josh said that Tom Cruise's movie, *The Last Samurai*, released in 2005, had inspired Mr. Ray to start using clips from the movie at his events and to do the Samurai Game he had done while working at AT&T. As Mr. Fredrickson stated, "So we incorporated this kind of whole samurai theme which is living with integrity, living with intention, doing everything to perfection at every moment into Spiritual Warrior."

On Tuesday of the 2009 Spiritual Warrior Retreat, James Ray informed his participants they would play the "Samurai Game," and he explained the rules. Participants finished the day's schedule of lectures and seminars and ate a light dinner. Between dinner and the Vision Quest, Mr. Ray conducted the Samurai Game. A fine fashion to frame what this exercise meant to the Spiritual Warrior Retreat is to let the testimony of the participants render the details.

Stephen Ray said that in the Samurai Game participants were split into two groups and they chose a leader, a priest, and a ninja. He recalled that James Ray called his staff "angels of death" and James was "the God." If anyone violated a rule, James pointed at them and said, "Die." That person was supposed to fall on the ground, and then the "angels of death" took that "dead" person to another location and covered them with a blanket. That person couldn't move. If they did, they violated another rule, and another person on their team had to "die." Stephen explained that the ninja were supposedly invisible and that someone was killed if he or she looked in the eyes of a ninja.

While Stephen Ray didn't share how the game progressed, he said he was one of the last people left. At that point of the game, the leader of each team had to pick a Samurai to do battle and that person picked a competitor on the other team to battle against. If the leaders agreed, the two Samurai warriors went to the middle of the room where James Ray staged several types of competitions. Stephen Ray recollected these competitions involved holding an egg on a spoon, standing on one foot the longest, holding books, and – a touch of cosmic irony given the tragic outcome of the ensuing sweat ceremony – drinking a glass of water the fastest. Stephen said when he was chosen to be a Samurai warrior, he went to battle holding the books and lost. He said he was taken away, had a blanket put over him, and didn't move until the game ended.

Attempting to justify the Samurai Game, Stephen Ray noted that something James Ray always said was "that you show up in game how you show up in life, that you show up as you." In other words, as Stephen further explained, "If you come from a place of ego, that shows up in the game. If you show up as a leader, that shows up in the game. If you show up as a follower, that shows up in the game. If you hide in fear, that shows up in the game."

Ami Grimes recalled that James Ray had learned the Samurai Game when he had worked at AT&T and described the same format as Stephen Ray did. She said the game involved challenges. One challenge Ami described involved a team member who wasn't the leader or the priest standing in one position, being given five balls, and without using their feet throwing them at people on the other team. If a ball hit someone on the other team, that hit person "died." Ami remembered other challenges such as standing in a karate kick-like position on one leg and not falling – "just simple stuff like that," she said. The goal was to have the most people left on your team.

When asked if James Ray or any of his staff participated in the game, Ami replied that they didn't, except Mr. Ray was like the leader who told us all the rules, said when somebody had died, and directed his staffers to come lead "dead" people away. She described the staffers as wearing "black witch looking costumes" and Mr. Ray dressed in "a white like toga looking thing with a red like band across it."

Participant Beverly Bunn, who became an outspoken critic of James Ray after the Spiritual Warrior Retreat, said in the game they were warriors and Mr. Ray was God. She said the teams could eat dinner but not speak to one another. Some of the challenges during the game were tests of endurance – who could for the longest stare or stand on one foot or hold books. Beverly reiterated the "dying" aspect of the game. At the end of the game, everyone who hadn't died became one team, and God granted them an honorable death. Ms. Bunn described the honorable dying being enacted differently by gender: women were to plunge a pretend knife into their necks and fall to the ground; men were to plunge a pretend sword into their stomach, twist, and fall to the ground. Beverly didn't share how she fared in the game.

Susan Smyser was a participant in the 2008 Spiritual Warrior Retreat and apparently had a fair amount of knowledge about James Ray's self-help pursuits. She recalled that Mr. Ray said the Samurai Game was based on a corporate exercise he learned while working for AT&T. She said so understated was Mr. Ray's role of playing God by being the proctor for the game and answering questions about rules. To her, he was intense and forceful, set apart from the participants by his wearing a white robe. No concrete details were offered to exemplify what she meant by *intense* and *forceful*.

A participant in the 2005 Spiritual Warrior Retreat was Amanda Huffnug. She practiced a Jewish persuasion and shared with an interviewing detective her account of how James Ray handled his rules for the Samurai Game and her desire to observe Yom Kippur. While Ms. Huffnug represented only one individual and not the group as a whole, Mr. Ray's behavior reflected how he as a "leader" handled variants which confront a leader.

Ms. Huffnug explained that the Samurai Game in 2005 started at the end of the day and that when the game ended, the participants would go on the Vision Quest during which participants would be encouraged to abstain from food and water. For her that would mean an extended period of fasting because she had chosen to observe Yom Kippur. Even though she said she had spoken to some of the JRI staffers about this earlier, she decided to ask Mr. Ray if she could eat something between the end of the game and the beginning of the Vision Quest. Ms. Huffnug recalled because she asked about fasting right when Mr. Ray had started the game, he killed her off immediately. She indicated she was told not to look at anything because she was dead. Apparently while being "dead," she had time to reflect and told the interviewing detective: "I need to at least get a snack in between and I am going to fast again because I was not prepared to fast for two days. I got really upset and let the staff know that that was very inappropriate to somebody who is dealing with an important holiday." Ms. Huffnug indicated that she finally walked away because Mr. Ray didn't realize how disrespectful he had been.

When asked if Mr. Ray was "kind of a God person" in the Samurai Game, Ms. Huffnug replied, "Oh yeah, absolutely."

A 2009 participant, Else Hafstad told YCSO officers that the Samurai Game was very tiring physically and mentally, and James Ray was playing God, and that's when I got so scared. He really thought he was. I just thought, 'Jesus, something happened to him; he is totally out there now.' I think he is very wise and he's got a lot of stuff to teach and I really have benefited a lot from his teachings, but there is no excuse for that behavior.

Dr. Soheya Marzvaan and her sister departed the Spiritual Warrior Retreat on Tuesday, sometime during or after the Samurai Game and before the start of the Vision Quest. The 2009 Spiritual Warrior Retreat was the sixth James Ray event to be attended by Dr. Marzvaan. She said that she attended his seminars because she wanted to learn about Quantum Physics. Dr. Marzvaan shared with investigators her experience with the Samurai Game. She had believed the game would start later on Tuesday, but when she returned from the kitchen, Mr. Ray told her she was "dead" because she had looked at one of the ninjas. She was told to close her eyes, and she described being led to a golf cart, told to keep her eyes closed, transported to

another location on the Angel Valley property, and told to lay motionless until Mr. Ray said she could move. While lying on the ground and covered with a blanket, she said she realized the Spiritual Warrior program wasn't benefiting her and she wanted to leave early. So she said she approached Megan Fredrickson and told her she wanted to leave, but Megan tried to persuade her to stay. Eventually Dr. Marzvaan told Megan to ask Mr. Ray, and apparently Mr. Ray told Megan it would be all right for Dr. Marzvaan to leave.

On November 9, 2009, just a month after Mr. Ray's tragic sweat ceremony, Det. Mike Poling interviewed Lance Giroux from Allied Ronin Leadership Training and Consulting in reference to the "Samurai Game." Mr. Giroux explained that the game is owned by George Leonard and his wife Anne and their family trust, that the term *Samurai Game* is a registered trademark, and that the game is copyrighted intellectual property. When Det. Poling asked if someone had to be certified to use this registered and copyrighted intellectual property, Mr. Giroux replied, "That's correct." Lance had been acting in Mr. Leonard's behalf since about 2000 to develop a training and certification method. Det. Poling asked, "Would you know if James Ray had ever been certified through your program?" Mr. Giroux answered, "No. He has not. I have no recollection of him at all."

Mr. Giroux sketched an overview of the *Samurai Game*:

The facilitator takes the role of what's called the *war god*, that's small w small g. You can also describe that person as representing fate, fate of war. The facilitator never takes on the role of *God*. The primary things on the facilitator's mind should be the safety of the people, and the facilitator should always by the design of the game give those people at least three honorable opportunities to choose out of playing and in that way never badger, coerce, cajole, or anything else. This game is supposed to be played in an atmosphere of respect. Although it is intense, the people's well being has to be held uppermost in the mind of facilitator

Based on the interview with Mr. Giroux and the descriptions provided by Spiritual Warrior participants, George Leonard's *Samurai Game* inspired Mr. Ray to design a variation that apparently deviated from its registered and copyrighted inspiration. Fortunately, dismissal of certain safety factors in this "game" didn't lead to death being a participant rather than a metaphor.

After the Samurai Game finished, somewhere around 10:30 to 11 PM on Tuesday, the participants were lead to their individual Vision Quest spots. Josh Fredrickson explained that since the participants hadn't walked the trail before and since it was nighttime, they would have a sense of being "isolated and completely alone." He also stated that participants weren't supposed to bring food or water with them, but they could if they wanted to because no one inspected them or their gear.

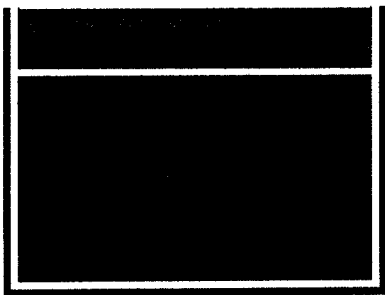
A vision quest is simple: pick a spot in a wilderness type setting away from civilization and fast. Sometimes the fast is from food and water, sometimes just food, sometimes just civilization. Usually someone provides guidance and any necessary support for the person doing the vision quest.

Angel Valley co-owner, Amayra Hamilton described the initial Spiritual Warrior Vision Quest at Angel Valley:

And then [James] also wanted to do the Vision Quest, and we said what do you have in mind. Let's sit down and see how we can do it because traditionally you would have a person that wants to do the Vision Quest and then I am the guide who guides that. The person goes out and finds a spot somewhere out in nature, and I am in meditation, in kind of communication with that person and it depends on how long you want to do that. It can be half a day, it can be a day, it can be up to seven days or something. I said to James how are you going to do that with so many people? You cannot just send them out and go find and sit under a tree kind of thing. So from that time I was involved every year.

Ms. Hamilton recalled that she needed a couple of days to create those initial spots because she accounted for shade to sit under, sandy and level ground to sit upon, minimum exposure to any lights from nearby buildings, and no visibility of other spots for Mr. Ray's multiple person Vision Quest. JRI volunteer Barbara Waters testified that they eliminated any sight if it appeared it could receive two to three hours of direct sun and several more hours of tilted sun. On October 28, twenty days after the botched sweat ceremony, Amayra Hamilton showed Yavapai County Sgt. Dan Winslow and US Forest Service LE and Investigations Special Agent Lisa Lewman the 50-some individual sites for the Vision Quest. Most of the spots were on the neighboring U.S. Forest Service land.

Mr. Ray had designed a vision quest of being alone without any shelter for 36 hours in a circle about six feet (two meters) in diameter in the wilderness area surrounding Angel Valley with the strong suggestion of going without food or water. Several participants identified the circle they had been instructed to make at their spot as a Medicine Wheel. Mr. Ray's format emulated an ageless exercise humans have pursued to seek clarity. JRI event veteran, Barbara Waters, summarized the Vision Quest's purpose: "You're out there in the vision quest, basically sitting in one spot to be with your mind." No distractions – just you and your own thoughts and feelings



Most participants simply took the cloths they were wearing, a backpack, a sleeping bag, and something to write with and on.

Since James Ray had begun using Angel Valley Retreat, Amayra Hamilton had prepared these Vision Quest sites and had helped take Spiritual Warrior participants out to their individual sites, but she hadn't realized till 2009 that participants were without water. She summarized for detectives:

The first year when we did that, they were set out in the evening, and then James' staff would go out walking to all of them, go visit them with water in the morning. The next year they did not go visit the people, and I have all those years thought that they had water with them because when I would help setting them out, they had luggage which was a big sleeping bag of course and I was thinking that they had water.

This time, the last person that I set out was a young woman, and she was very nervous. And even though we're not supposed to talk with them, I just had to talk with her, calm her down, and say, 'Okay, sit down and breathe. Before you leave take some water and calm yourself down.' She says we don't have water with us.

Then when I came back and I talked with his volunteer assistants who are called the Dream Team and they have all done this retreat before, so I said when you did the Vision Quest, did you have water with you? No. I go, 'Oh shit, I never knew that.'

Everybody could find their way back. You know there was nothing big deal about it. It was more psychological because they were set out in the dark, so they didn't know where they were going. That feeling was more that they were out in the middle of nowhere and all by themselves then they actually were. When they would go back afterwards they would often say, 'My gosh, it's not as far away as I thought.' But you know, for me that was very okay. But not having water there - had I'd known that, I'm just saying James you can't do that.

Several participants indicated that anyone could at anytime leave his or her circle to get a drink of water or to end their Vision Quest.

When Det. Mike Poling asked Josh Fredrickson what did James Ray say was the goal of the Vision Quest, Josh explained:

The whole Spiritual Warrior week is set up to really dig deep into and release all these unconscious issues, and we have lot of people dealing with these really deep issues from childhood with rape or abuse or that kind of thing that's starting to come out at Spiritual Warrior. So the first part of the week is they're just journaling and writing through all these issues and working on it.

So the idea of the Vision Quest in the context of Spiritual Warrior is that you've been working through all this stuff, now you can finally put all that stuff behind you and you can choose who you want to be. So when you come back from the Vision Quest, you're kind of like a new person. So it's like a renewing. So it's that chance to really spend time with yourself and to be yourself and find out who you really are and let all that crap go and move forward.

Kim Brinkley assumed people who attended James Ray events knew that these were intense events meant to help them work through unresolved emotional issues.

Laura Souter echoed Josh's account when she stated that Mr. Ray wanted the participants to continue writing in their journals and that he provided a list of questions to use as a guide to "expand memories of situations that were emotional or had negative energy involved." She explained that they were supposed to be "getting all of that out of ourselves and on paper" and to set new intentions. Souter also brought a significantly beneficial prejudice: her father's family was Cherokee, and she explained that the purpose of a vision quest in the Native American culture was "to shed an old life and create a new life in your mind."

Participants had been instructed to bring to the Spiritual Warrior Retreat about six feet of string and seven pieces of fabric that were three inches square. Mr. Ray instructed the participants how to create, while on their vision quest, seven pouches of tobacco ceremonially attuned to a direction. Folks put a little bit of tobacco in the center of the square piece of fabric and tied it together to make a pouch. Each pouch represented an intention a participant wished to overcome or to pursue. It wasn't clear from testimony if the participants were to bring their own tobacco or if JRI provided tobacco, but one participant indicated that chewing tobacco was used. As a way to minimize overhead, Mr. Ray had instructed the participants to bring their own string and square pieces of fabric, so he likely instructed them to bring tobacco also. And the tobacco product most readily usable to make these pouches is a can of chewing tobacco.

Both Josh and Megan Fredrickson related that prior to the start of the Vision Quest, a participant had asked about her high blood pressure medication. Lynette Wachterhauser suffered from hypertension (high blood pressure) and had queried Mr. Ray. Megan recalled that he had asked Lynette if she could dry swallow the medication and then told her to do what

she needed to do to take care of herself, something both Josh and Megan said several times that Mr. Ray would repeatedly tell folks attending his events to do. Other participants also recapitulated that a woman had asked if she could take water because she was on medication for high blood pressure and that Mr. Ray had asked if she could dry swallow the medication, but had said it was up to her and she had to take care of her own biology and do what she needed to do to feel safe. Megan remembered that someone else asked about bringing along chapstick and said Mr. Ray said something like, "Do you need to bring chapstick?" And then he said something like, "Okay, fine. Do whatever you need to do to take care of yourself."

While participants were on the Vision Quest, James Ray's Dream Team split into two groups – a morning and an evening shift. They were instructed to stay in the dining hall area with a walkie-talkie just in case someone came back or they needed help or Angel Valley required something in regards to the participants. They also were to "hold space," to be aware and be respectful that the participants were experiencing a Vision Quest. For Wednesday, the morning shift apparently was covered by Mark Rock and Aaron Bennett, and the evening shift was covered by four women – Christine Jobe, Liz Neuman, Lisa Rondan, and Barbara Waters. These six folks were members of James Ray's Dream Team, volunteers who had previous experience with Mr. Ray's events and who wanted to assist. During the five-day event, for the mornings, Josh was assigned to be the JRI team member on call for the Dream Team; for the evenings, that responsibility was for Melinda Martin, JRI Events Coordinator.

WEDNESDAY

Det. Ross Diskin stated in an interview with Michael Hamilton that their investigation had determined during the day on Wednesday James Ray and Megan Fredrickson had gone to nearby Mago Retreat Center to ask about staging future Spiritual Warrior Retreats there.

Dream Team member Mark Rock testified that he had gone into Sedona to eat on Wednesday afternoon, apparently after his morning shift, and that when he had returned to have dinner with the other staff around 7 PM, Mr. Ray was in his room.

Megan Fredrickson said she had been at Wildflower Bread Company in Sedona doing e-mail because the store had internet access, and after that she and Josh went to dinner that night in town. According to Josh, they discussed how the event was going. Christine Jobe, Liz Neuman, Lisa Rondan, and Barb Waters had returned to Angel Valley after spending the day in town and were joined in the dining hall at Angel Valley by Marta Reis and Melinda Martin. Apparently the women had a bottle or more of wine and were enjoying one another's companionship. And it was loud enough to disturb Mr. Ray who was taking a nap.

Det. Ross Diskin asked Dream Team member Aaron Bennett if he could talk about the members of the Dream Team having "kind of a little get together" in the kitchen and about Mr. Ray being upset about that. Aaron responded, "Sure, I don't know how it's really relevant." Det. Diskin stated it was important to establish if Mr. Ray was making sure his Spiritual Warrior participants were being taken care of. Mr. Bennett offered this description:

We had some chocolates, we had some wine, and James comes in and he got like angry. And he lectured us like we were his kids about why aren't you holding space for the participants and I am ashamed of you. He [had] told the participants that the Dream Team members would be thinking about them and having them in their thoughts, and he was pissed that we were celebrating and partying and were fucking off.

Aaron confirmed that Liz Neuman was part of the group get-together, but stated, "None of us were drinking that much. I think probably the most was like a glass each. We weren't getting drunk."

According to Megan and Josh, Mr. Ray called Megan on her cell phone while she and Josh were at dinner, and then Josh and Megan spent the rest of the evening discussing how to handle the situation when they returned to Angel Valley.

Megan provided a narrative of the phone call and events:

[James] shared with me that he was in his room, napping. His room was right next to the dining hall and it was loud in the dining hall, so he went over there to kind of quiet them down and remind them that they should be holding space and do that quietly.

My understanding is at that point he had seen bottles there that looked like wine bottles and that a Dream Team member had said it's grape juice. And so James didn't question it.

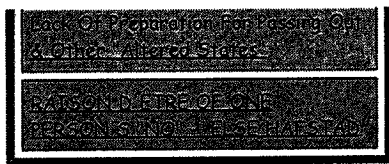
Then sometime later he was going to go to dinner with his assistant and Michael Barber. Somehow it came out that it was wine that they were drinking, and Michael Barber apologized to James and said, 'I think everyone just had a glass or less.' But James turned the car around and came back to the dining hall and talked with whomever was there and shared with them that he was disappointed in their behavior because their job was to be holding space and be quiet and be respectful of what was going on.

Then he left and went to dinner with his assistant and with Michael Barber.

And when they came back and James went to his room, one of the Dream Team members came to his room and said, 'Hey, can we talk again?' And James came back to the kitchen. My understanding is that the Dream Team members and Melinda had stayed after James talked with them, and the whole time James was in dinner they had stayed there and talked about what they learned from the experience and what they would do differently. And they all wanted to share that with James because they had processed it. So when James came back into kitchen, they were able to do that, and everything as far as I know was reconciled.

By the time I got there, anyone I talked with, it was like yeah, wow it was a learning but always good, and there were some good spirits.

Josh said that when he talked with the women about the partying, "they all realized it, and they're all real responsible people so they took responsibility for it and learned from it."



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THURSDAY

Sometime around 6 to 6:30 AM on Thursday, the vision questers were retrieved by JRI personnel. The sun, according to one participant, hadn't risen above the mountains. Josh Fredrickson indicated that JRI personnel handed each participant a little piece of paper informing the participant to be in silence, to eat breakfast, and to hydrate heavily. Some of the participants indicated they ate a breakfast of scrambled eggs, oatmeal, and fruit between 8 and 9 AM and then met for a seminar which began around 9 AM.

Of the Vision Quest, Else Hafstad, an engineer who refused subsequently to participate in the sweat ceremony, brought a prejudice quite dependent on contemporary living:

If I had known that we were all going to lay out there where there could be snakes and whatever all kinds of stuff, I would have demanded that we all at least have [a] whistle so we could warn someone if we needed help. There was no preparation. There was no monitoring. They didn't have anyone come out to check if we were okay in those two days and nights we were out there. And I think that was totally irresponsible. A lot of people had never been alone in the dark, and some hadn't even been out camping before.

Richard Wright, Jr. echoed similar concerns about wild animals, snake and spider bits, and things like that along with his "big fear" that paradoxically he would be "incredibly bored."

Nonetheless, for the group of four dozen or so folks who had little if any experience being outdoors for an extended period let alone two nights, the Vision Quest experience was uneventful – perhaps the most enlightening segment of their five-day Spiritual Warrior Retreat.

Participant Laura Tucker said that after breakfast on Thursday, they gathered in Crystal Hall where they had an extended open session of questions and answers. She said the session was wonderful and very positive, and now in hindsight she wished the Spiritual Warrior Retreat had finished there.

Lunch wasn't served because, as many of the participants testified, they were told that they might vomit because of how hot it would be in the "sweat lodge." Anyone who, after 36 hours of fasting, ate heavily for breakfast might have a digestive tract susceptible to disruptive purging, especially because of scrambled eggs and any milk with the oatmeal, something for which JRI personnel failed to account.

The question-and-answer session eventually became a short meeting to discuss the ensuing sweat ceremony. Testimony fails to reveal that during this preparatory talk if JRI personnel gave any attention to the condition of any of the participants, especially those who had never been alone for 36 hours outdoors without food and water. Apparently, there was no concern with the participants' diverse body types and personal histories of being alone, fasting, and experiencing extended periods of stress as induced by the five-day Spiritual Warrior program. Around 2 PM, the classroom setting was dismissed, according to several participants, and they were given a short time to prepare for the retreat's final event. Sometime around 2:30 PM the Spiritual Warrior participants followed James Ray to a large, tarp covered, domed structure.

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PREPARATION FOR THE SPIRITUAL WARRIOR SWEAT CEREMONY

Some participants said they didn't learn about the sweat ceremony until just before the event. Some said they learned about it due to the absence of lunch. Some said they knew of it from having read the written materials received prior to the retreat or from talking with others who had attended previous Spiritual Warrior Retreats.

The following exchange between Det. Mike Poling and Megan Fredrickson, the primary assistant to James Ray, illustrated whatever preliminary awareness participants had of this sweat ceremony.

Det. Poling: He doesn't tell people about the sweat lodge prior to the sweat lodge, does he?

Megan: No.

Det. Poling: People don't expect a sweat lodge when they get there do they?

Megan: They do once they sign the release form at registration or once they see even the participant guide.

Det. Poling: But they paid for this before they know about what's gonna happen.

Megan: Generally yeah, unless they've researched it ahead of time or talked with someone else. I just don't know.

Most of the participants had never been in a sweatlodge ceremony let alone a super-heated sweat ceremony like Mr. Ray's. For many, the contemporary sauna was their only frame of reference. Many participants interviewed by the YCSO expressed lack of being told what to expect other than Mr. Ray boasting that his sweat ceremonies were hotter and more intense than any traditional Lakota sweatlodge. Some felt they had been adequately prepared; many thought they hadn't been. Consistent in the testimony of those interviewed was that neither safety nor medical issues were discussed.

Participant Else Hafstad described that after they all skipped lunch so to avoid possibly vomiting during the sweat ceremony and after a relatively short meeting during which Mr. Ray described his sweat ceremony, folks were given twenty minutes to prepare for the sweat ceremony. She thought that with only twenty minutes, people rushed to do as they were told and didn't think about what they were about to do. Ms. Hafstad eventually decided not to partake in the sweat ceremony.

Rosemary Senjem stated that she also felt they were rushed after skipping lunch and then being told about the sweat ceremony and that she couldn't remember everything which was said about the impending event. Laurie Gennari said, "The sweat lodge felt very rushed, just hurry, go change." Richard Wright, Jr. said, "We got there in the morning after having been out on the Vision Quest, and literally seven minutes before we were to go down to the sweat lodge is when we found out we were doing it."

Various participants remembered Mr. Ray conveying the following instructions for the sweat ceremony he was about to execute.

- Don't wear jewelry, take off makeup, and wear swimsuits or light clothing that will become dirty; Mr. Ray stated that men mostly wore shorts without a shirt and women mostly wore swimsuits.
- Bring the JRI Spiritual Warrior water bottle given each participant at the beginning.
- Bring the rock that each participant had been instructed to bring to the retreat to be a guide for energy flow during the retreat; each participant would let go of that energy by throwing the rock in the fire prior to entering the lodge.
- Bring all the pages of recapitulation which participants had been writing since Sunday and which they would toss into the fire prior to entering the lodge.
- Bring the small tobacco pouches that were made during the Vision Quest and that signified the intentions someone wanted to do for different areas of his or her life; participants would tie their pouches on the inside of the lodge above where they sat, and the pouches would be spiritual energized and then burned in the fire after the sweat ceremony was over.
- Be prepared to give up those things in life you have wanted to.
- The sweat ceremony would have seven rounds, one round per tobacco pouch and its intention. During each round, Mr. Ray would speak and lead the group in some sort of ceremonial song or chant, and then the Spiritual Warrior participants would yell or scream their intentions – assumably along with any staffers who were inside the lodge and who felt compelled to do likewise.
- Enter through a small door, move clockwise, and fill the outer circle before making an inner circle.

- Always move clockwise inside the lodge structure.
- Be aware there is a pit in the middle and stay away from it.
- Sit with knees bent; folks in the inner circle might lean against the legs of the folks in the outer circle.
- If someone in the inner circle wanted to trade places with someone in the outer circle since it would be "cooler" in the back, do so for a short period of time as a courtesy.
- If you feel too hot, try lying on or getting low to the ground because the ground is cooler.
- If you feel like you need to leave, leave. When the door is opened between rounds is when participants should leave. Mr. Ray, as recollected by several participants, recommended they play full on to get the maximum from the sweat ceremony.
- Exit the lodge the same way you entered: clockwise.
- Care and support would be provided by people stationed outside the lodge who would give participants towels and fluids, and participants were reassured that these were folks who had been in previous sweat ceremonies.
- After exiting the lodge, you would be laid on tarps spread on the ground and hosed with cold water to close your pores and to wash away the toxins sweated during the ceremony.
- When the heated rocks are brought in to begin each round, everyone is to say, "Oh grandfather," to honor the ancestors.

To someone familiar with traditional sweatlodes, many of the above instructions are familiar. Movement around and in a sweatlodge is sunwise (clockwise) in many traditions. In some traditions, entering is done sunwise, and exiting is done counter-sunwise. Mr. Ray's instruction that folks shouldn't leave till the door was opened between rounds was a departure from traditional sweatlodes. Lying on a tarp and being hosed with cold water isn't part of any traditional sweatlodge protocol with which I am familiar. Doing the such after an intense sweat ceremony creates a mess, which becomes a safety hazard with a dozen let alone four dozen folks. It also exasperates severe heat stroke situations which require protecting and keeping warm the affected person – not hosing them with water in which they will lie as it pools on a tarp. And James Ray didn't limit such departures from traditional sweatlodes to just procedural protocol.

He told participants his sweat ceremony would be something they had never experienced before. Many remembered Mr. Ray stating that his "sweat lodge" was hot and intense. James stated that his sweats were more intense and much hotter than the traditional sweatlodge of the Lakota, who he said can be "crazy," as recalled by Brandy Rainey-Amstel and Sylvia de la Paz. Those who survived James Ray's sweat ceremony testified that he had described it would be very hot, be brutally hot, and be excruciatingly hot; many recollected that they had been told their skin would fall off, would split apart, or would feel like it was burning or peeling off.

Mr. Ray told them that they might feel nauseated and want to vomit, but no one remembered him saying how to deal with it.

Some participants remembered Mr. Ray saying there is the possibility of passing out; some don't. Those who remembered usually added that there was an assumption those who passed out would be taken care of.

James Ray's two key employees, Josh and Megan Fredrickson, gave conflicting testimony on what Mr. Ray instructed on the possibility of passing out. Josh said, "No, what he said was if it's too hot or if you need to you can leave, but he never said if you feel like you're gonna pass out, do this." Megan stated, "I've heard him say that it's possible that you could pass out in the lodge, and I've heard him say take care of yourself."

Apparently James Ray and some of his participants believed that vomiting or passing out were possible conditions that might precede reaching an altered state. Many participants remembered being told they would reach an altered state. There would be a point where they might feel like they would die, but Mr. Ray assured them they wouldn't. He told folks to stay in the ceremony, embrace and then let go of their fears, and get into the experience. When someone got through it, he or she would be a much stronger person. More than one participant said that they weren't sure what an altered state meant and that Mr. Ray never explained what they might experience as an altered state or never instructed what they should do if they were experiencing something that didn't feel right.

When Det. Ross Diskin asked if participants had been told they might experience an altered state during the sweat ceremony, Josh Fredrickson responded that Mr. Ray had said folks could. Det. Diskin asked Josh, "What's the cause of that altered state?" Josh replied, "For me, it's pushing your body and doing something that you don't normally do on a day to day basis. You know for some people that's running, running that extra mile. For me, it's definitely the sweat lodge because I don't like the heat at all. So for me to be in there is kind of like a mind over matter kind of thing where your body is saying no."

When asked a similar question, Josh's wife, Megan, told Det. Diskin, "I think that James really uses a term like *surrender*. Like a mind over matter sort of situation. That you just

surrender and you're okay with it. I don't recall specifically, but I think it's quite possible that James would say you may experience an altered state. I don't think he'd say you will experience an altered state."

Though vomiting, passing out, and becoming altered were mentioned, participant Brent Mekosh summarized what others remembered about James Ray's instructions to his paying Spiritual Warrior attendees concerning these possibilities: "No safety procedures were discussed or what to do or how to respond to any reactions your body might have."

While interviewing Megan Fredrickson about three months after the tragedy, Det. Ross Diskin pointed out the obvious problem with Mr. Ray's management of the possibility of folks passing out during his sweat ceremony: "Pretty much all the participants have told us some variation of that you could pass out and that's okay. And so the concern is that people inside feel like, 'Man, I'm gonna pass out, but James Ray said it's okay,' and then they pass out and then they die." Det. Diskin's thinking was supported by testimony of Laura Gennari. On the night of the sweat ceremony, Gennari described for YCSO officers the woman next to her, who was Linnette Veguilla, having difficulties and repeatedly saying how miserable she was. Laura said Mr. Ray finally told Linnette if she "passed out" not to worry because "we will get you out." And, indeed, a struggling Ms. Veguilla was helped out of the lodge after round five.

Megan's response to Det. Diskin's question was, "I never understood it to be if you pass out that's okay, but it was just a warning of you may pass out." However, Mr. Ray still failed to discuss what to do if someone did pass out or experience an altered state or vomit.

Vomiting is a physical purging, and both Mr. Ray and some of his participants indicated a belief that vomiting could manifest a purging of emotional issues or traumas. A personal experience such as a purging of emotional issues – a catharsis like reaction – needs to be surrounded by an appropriate support group of family, friends, and those who know how to manage such reactions and who are trusted by the person who is confronting his or her emotional issues. A person purging emotional issues shouldn't be surrounded with novices who aren't prepared to be part of such a purging and who have been told to look out for their own well-being. It is an invitation for personal and group mayhem.

In his initial interview a month after the Spiritual Warrior Retreat, Josh Fredrickson summarized the preparatory talk given by Mr. Ray for his sweat ceremony:

Probably about an hour and a half before we meet in front of the lodge, he'll start to tell participants what to expect. He describes the lodge and what it is. He talks a lot about it in Native American tradition, but he never mentioned being trained by a specific Native American. And he says it's low to the ground and it's an intense heat. He says when the steam hits, you'll feel like you're suffocating. He says you may feel claustrophobic [and] like your skin's melting off. He pulls no punches when it comes to describing how intense it will be.

Interviewer Det. Mike Poling followed with the question, "So does he ever tell you you're going to feel like you are going to be dying?" Josh replied, "Yeah." And Det. Poling responded, "And then what's the response after that? He says you're gonna feel like you're dying but what?" Josh merely said, "I think it's you could feel like you're dying." And Det. Poling, asserting common sense as he tried to do throughout the interviews he conducted, stated, "There has to be a *but*. If someone tells me I'm gonna feel like I'm dying, I'm gonna say, 'Time out here. Am I gonna die?'" Unfortunately, Mr. Fredrickson's subsequent responses failed to indicate that there was ever a *but*.

Josh made it clear that James Ray gave no further information or training to his staff outside of what he explained to the participants prior to his sweat ceremony and that neither Mr. Ray nor the staff asked the participants about medical conditions or other health issues. Josh said that in general Mr. Ray "would say to take care of yourself, to pay good attention to yourself and if you need to leave, you can leave."

When Mr. Ray entertained questions after explaining his sweat ceremony, Lynette Wachterhauser, who had asked Mr. Ray about her high blood pressure medication prior to the Vision Quest, asked if the sweat ceremony would raise her blood pressure. She testified that he had said it would, and several participants remembered that he had told Lynette he assumed the sweat ceremony would raise blood pressure because it was like doing physical exertion and that she would have to make a decision for herself if she wanted to participate. Given that advice, Lynette told investigators she had felt safe participating in the sweat ceremony.

Both participants and JRI staffers echoed the advice Mr. Ray gave Ms. Wachterhauser: it was left to the individual to decide if they were healthy enough to do this. And few questioned the validity of their being able to look out for themselves in an event most had never experienced. They simply trusted James Ray.

Randy Potter stated Mr. Ray told them that being in that altered state gives a person a heightened sense of awareness and ability to learn, so the group knew they were supposed to experience an extreme altered state through a large portion of the retreat. And many of the participants assumed passing out or vomiting were part of achieving an altered state. While not speaking for others, Sean Ronan reflected the expectations of some of the participants: "I have heard people lie on the floor. They had the passing out. It's like your opportunity to find

God. It's a spiritual process that you go through in the sweat lodge. My understanding is they are all like that; they are very intense and very challenging and difficult."

"Mr. Ray is the 51-year-old founder and CEO of JRI. He is not a mystic or *spiritual guru*" – so stated Mr. Ray's legal team in their White Paper #1. And yet, participants recalled that Mr. Ray explained as they gathered by the lodge that Thursday afternoon that his sweat ceremony would be a very sacred event, that this ceremony was a very sacred thing to do. Some remembered Mr. Ray citing Native American spiritual leaders under whom he had studied and who had advised him and who had told him his sweat ceremony was the most intense. His lawyers are quite accurate: Mr. Ray, the CEO, isn't a spiritual guru; he uses "sacred" and "spiritual" to promote the services and products of his business interests.

But to set up an intense sweat ceremony in which to both purge profane emotional issues among a group of novices and evoke a sacred space for engaging the profound, Mr. Ray was inviting chaos to join him. Chaos has order. But those who invite it don't necessarily know how to manage it, evident in Mr. Ray's behavior as his sweat ceremony exceeded the inherent safety limits of traditional sweatlodges and death and distress found a refuge.

A PRELUDE TO CHAOS

YCSO Photograph of Lodge Structure



YCSO photograph of lodge structure

Two photographs of the Spirit Warrior Retreat lodge structure dominated early news reports. One photograph showed the structure intact and the other collapsed. The former photograph left the immediate crude impression of a contemporary indoor football arena, not the humble and simple dome of traditional sweatlodges. Both photographs captured the unforgivable use of ubiquitous rip-stop plastic.

The Spiritual Warrior Retreat lodge structure was described as being built of juniper and oak (probably the scrub oak of high desert country) and covered with many layers of blankets, comforters, and tarps. The lodge was sized at 415 square feet, 53 inches high in the center, and 30 inches high on the edges. A circle approximately 23 feet (7 meters) in diameter would create about 415 square feet. The Spiritual Warrior Retreat lodge structure could have fit snugly inside a typical two-car garage which is 22 feet by 22 feet.

When Det. Mike Poling asked Josh if Mr. Ray did a pre-ceremonial inspection of the "sweat lodge," Josh wasn't sure.

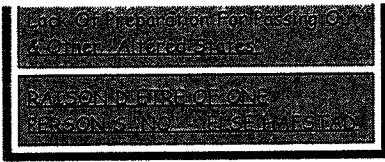
Det. Poling responded, "Tell me if I am correct here. James Ray has a specific to-the-minute agenda of everything he does. He's very precise. Is that true?"

Mr. Fredrickson answered, "It's called the syntax, but the running joke is that James is always at least an hour or two hours overtime on the syntax. So the syntax is kind of like the event coordinator's wish for him to stick to but he never does."

Subsequent responses from Josh failed to corroborate the line of thinking Det. Poling was pursuing: why didn't Mr. Ray's reputation of controlling minute details extend to his overseeing the structure for his sweat ceremony?

Perhaps Mr. Ray's behavior provides a more appropriate response to Det. Poling's questioning. Of all the activities and events Mr. Ray staged for his Spiritual Warrior Retreat, he participated only in his sweat ceremony. And how he executed that ceremony was more for himself than for his participants.

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THE 2009 SPIRITUAL WARRIOR SWEAT CEREMONY

After gathering at the lodge structure around 2:30 PM, participants indicated the ceremony proceeded in this manner. They were smudged with smoldering sage, a traditional Native American act of banishing ill-wanted energy and/or cleansing with the incense and smoke of one of numerous American sage plants. Participants held out their arms, they were smudged with sage smoke and incense on one side, and they turned and were smudged on the other side. Then folks put their JRI Spiritual Warrior water bottles on a table – an act of cosmic irony that the very thing most of them needed in the subsequent ceremony had been blessed and then abandoned on a nearby table, symbolic of an altar. After that, everyone circled around the fire where they were asked to toss into the flames some or all of the pages of what Stephen Ray called “recapitulation” – the writing that James Ray had instructed his Spiritual Warriors to start after they had arrived. Stephen said that he must have had 60 to 75 handwritten pages that he brought to that fire. Randy Potter testified he had written some 40 pages. Both Randy and William Leverage told detectives the night of the tragedy that participants were instructed to throw their list of troubles into the fire and then enter the lodge.

Besides tossing those pages of personal issues into the fire as an act of purging them, participants were also told to toss into the fire their spiritual rock – the rock folks had been instructed to bring to the retreat and to hold in their hand at various times to help let their energy flow into that rock. Throwing this esoteric sponge-like rock into the fire would help that person let go of that energy of presumably stuff that inhibited that person’s life.

Ted Mercer stated he usually started a fire two to two and a half hours prior to a sweat ceremony, but for this ceremony, he had started three hours, supposedly then between 11 AM and noon. Mr. Mercer told detectives that he had burned pressure treated wood scraps which had been stacked at Angel Valley and are clearly visible in various YCSO photographs of the site. While a Native American tradition is to make do with what is available, burning chemically treated cut lumber to heat the rocks for an alleged sweatlodge ceremony is an alternative when there is no other wood source to use. But given the financial resources generated by the Spiritual Warrior Retreat, an ample supply of natural firewood could have been easily obtained.

Nonetheless, the fire was fueled with the treated lumber. Both Randy Potter and Brian Essad said that Ted Mercer told each of them prior to folks entering the lodge that the fire was hottest he had ever built. I know what it takes to heat up a traditional stack of 20 to 24 rocks, let alone three times that number and volume. Given that daytime temperatures reached near or above 67°F, Mr. Mercer was experiencing under open Arizona skies some intense heat himself tending what had to have been a rather large and time-consuming fire to prepare over 60 rocks for Mr. Ray’s sweat ceremony. Interestingly, both Ted and Debbie Mercer, who had helped with several “sweat lodge” ceremonies at Angel Valley, told detectives that people became sick or ill only at those conducted by James Ray. Yet, on October 8, 2009, Mr. Mercer created an even hotter fire and subsequently hotter rocks for Mr. Ray, despite that history.

Fawn Foster was working for Angel Valley on this October Thursday. She said the lodge was supposed to start at 2 PM and remembered around 1:45 PM she took three five-gallon jugs of lemon water, water, and electrolyte water and two big pans of watermelon and oranges to the lodge area. Fawn said the fire had been started. Ms. Foster returned to bring the rest of the supplies and estimated the sweat ceremony began around 2:30 to 2:45 PM. Some of the participants estimated it started around 3 PM.

Mr. Ray was the first to enter, and participants followed through probably a 3-foot (1 meter) high doorway in the south end of the 4½-foot (11.4 meters) high domed structure. Folks moved sunwise, or clockwise, from south to west to north to east. Mr. Ray positioned himself on the east side of the door, and people created an outer row against the blanketed walls of the lodge and then an inner row near the pit.

The 23-foot (7 meters) diameter lodge would have had a circumference of about 72 feet (22 meters). Allowing for a door opening of about 3 feet (1 meter), 37 or 38 people could squish together along the outside with each occupying about 21 inches (0.53 meters). The remaining 18 or 19 folks formed the inner circle near the pit for the rocks. Analysis of the testimony seems to verify that arrangement.

To Mr. Ray’s right sat his assistant, Megan Fredrickson. She described her role was to count the rounds as the ceremony progressed, to give Mr. Ray a little packet of incense during the first and last rounds, and to provide any necessary support during the ceremony for Mr. Ray. To Megan’s right sat JRI staffer Taylor Butler and then Michael Barber, a vendor who provided lights/sound and video for the retreat. To Mr. Barber’s right sat Stephen Ray who told detectives that he could feel James Ray splashing water on himself and his assistants with a ladle that was in the bucket, something that wasn’t offered other participants who stayed

inside during the ceremony. To James Ray's left on the other side of the door sat Dream Team member Aaron Bennett. Positioned at the West, North, and East gates sat Dream Team members Liz Neuman, Mark Rock, and Josh Fredrickson respectively.

Josh explained that on Thursday morning, he and Megan assigned roles to the Dream Team. He remembered that Christine Jobe, Melinda Martin, Marta Reis, Lisa Rondan, and Barb Waters would provide support outside the lodge structure, and inside would be the aforementioned JRI personnel. Eventually Greg Hartle, Mr. Ray's business development manager, would join them inside making a total of nine JRI personnel in the lodge.

Consensus among the participants interviewed by the YCSO is that when Mr. Ray began his sweat ceremony, the lodge was crowded and tight. Mr. Ray's legal team cited 55 in their White Paper #1 – 47 participants and eight JRI staffers minus Greg Hartle. On the night of the sweat ceremony, JRI staffers Melinda Martin and Marta Reis, who had provided support outside the lodge, told YCSO officers there were 56 folks, which would account for the nine JRI staffers with 47 Spiritual Warrior participants. An analysis of the testimonies given the YCSO totals 56 folks who entered the lodge to begin Mr. Ray's sweat ceremony, nine JRI personnel and 47 participants.

James Ray, seating to the right of the opened door, told Ted Mercer how many heated rocks to bring. Ted said that Mr. Ray would tell him something like, "I want (some number) grandfathers." Ted secured each hot rock with a pitchfork, brought them one at a time to the door of the lodge structure, and scooted the end of the pitchfork with the hot rock into the lodge. Following Mr. Ray's lead, every time a rock passed through the door, the group called the rock, "grandfather." Ami Grimes recalled that they used the phrase, "Hi Ho, Grandfather."

The phrase, "hi ho," appears in Joseph Epes Brown's recount of Black Elk describing the *inipi*, the Oglala Sioux sweatlodge rite of purification. Black Elk indicated that after the door had been opened, people said "Hi Ho" as an expression of thanksgiving. Ami Grimes also recalled that folks had to say "hi ya ya" as they exited the lodge.

When the rock was presented at the door, Aaron Bennett, seating to the left of the open door, grasped the pitchfork just above the forks, scooted the pitchfork along the ground, and guided the hot rock into the pit.

When all the rocks that Mr. Ray had wanted had been placed in the pit, the door was closed. Complete darkness swallowed the ceremony and the participants now squished together, shoulder to shoulder, bent legs to bent legs, and some with backs pushing against those behind them. Mr. Ray poured maybe four to five gallons of water on the rocks, and an explosion of heated steam filled the lodge.

Some of the participants described Mr. Ray pouring a full bucket of water from an ubiquitous five-gallon bucket onto the hot rocks to begin each round. Consensus was that a lot of steam was produced when water was poured on the hot rocks.

For the first round, Mr. Ray sprinkled sandalwood upon the hot rocks. There has been no explanation why, for such incense purposes in a Native America style sweatlodge, James Ray chose to use sandalwood, which comes from an Asian tree not native to North America. For the last round, he dusted the rocks with frankincense. Again, there has been no explanation why something from Asian or African trees was used in what Mr. Ray claimed was a Native America style sweatlodge. He used such incense only for the first and last rounds.

Mr. Ray then led the group in chanting or singing or praying. Laura Souter recalled that a couple of rounds included passages from the Book of Proverbs. Participant Beverly Bunn said that Mr. Ray led them in prayer, told them certain Gods were at the different gates (cardinal direction points of the lodge) watching over them, and spoke in a language she didn't understand. Debbie Mercer, who had helped tend fires with previous Spiritual Warrior sweats, described Mr. Ray chanting, singing, and calling on the angels and explaining "this is who they are and where they are from and what they're doing." Brent Mekosh commented that "what Mr. Ray said during the ceremony was Mr. Ray's blending of different religions."

For each round, Mr. Ray supposedly was to talk about a corresponding tobacco pouch and what it represented. When he was done, individuals proclaimed his or her intention represented by that particular tobacco pouch. Or this order might have switched. Or Mr. Ray might have done it one way one round and the other way another round.

Each participant had been instructed to make seven tobacco pouches while on his or her vision quest. The seven pouches were based on the seven charkas of the human spine. Hung inside off the lodge structure, a tobacco pouch would receive a participant's prayer, and then that prayer would be released in smoke when the tobacco pouches would be burned in the fire at the end of the sweat ceremony. This Mr. Ray borrowed from one of many Native American traditions. But deviating from Native American tradition, James Ray designed his Spiritual Warrior sweat ceremony to have seven rounds, one round per tobacco pouch. Debbie Mercer said that one round "is your heart, one is your head, and all through the charkas" and that during each round participants shouted out their intentions – "I want this! I want to be free from this! And I don't wanna be afraid of this!"

Linda Andresano tried explaining to Det. Shonna Willingham: "When it was time to talk about those seven prayer ties that we made, it says what your intention was for each one. Each direction has an input as far as change in your life or stuff like that. So we talked."

Ami Grimes couldn't recall what each of those pouches represented, but she described Mr. Ray telling the group that

for this intention we're going to release, we remember the things that we're not going to do, that we're going to give away, the old patterns and the habits and the things that aren't working for us, we're going to release those, and we're going to set our intentions on what we've discovered and what we're going to do now to make our life better, just to be able to do whatever we need to do.

And Ami emphasized that it was different for every person.

Richard Wright, Jr. explained that each tobacco pouch

was supposed to represent a new intention for our new life. And then James would say, 'Proclaim your intention,' and we would all do it at the same time. When you are in a room full of 64 people all yelling at the same time, there is no way you can discern one person's voice over another. I was leaning on people, I had people leaning on me, we were that close, and I couldn't tell what anybody was saying and I wasn't really trying to. I was doing this for me. I wasn't trying to listen to anybody else because their intention was their business; it was none of my business what they wanted for their life.

Dr. Jeanne Armstrong, who sat in the southwest near the door area, described how she and those besides her reacted during the rounds:

First of all [Mr. Ray] spoke and led us in song. We had a structure to say Intentions, and so we all screamed our intentions or whatever you're trying to accomplish and that kind of stuff.

The person who sat to my left, Christine [Mattern], she was very encouraging - 'You can do it, you can do it.' And so we checked on each other in between.

So like the third or fourth round I laid down in the dirt because it was cooler, and then between rounds when the door would open, I would sit up just so I could see a little bit and feel like I was upright. And again the people immediately around me, they're like, 'No, we can do this. How you doing?' When they put the water on, people would just shout out various things like, 'We can do this.' Or one guy had been in the military, and earlier in the week, he had told me that one of the Navy Seals mantras was pain was weakness leaving the body. So he said that several times.

It was really akin to doing a sporting event. It was like running a marathon, and people are like, 'Come on, you can do it.'

Richard Wright, Jr. also remembered this Navy Seals aphorism: "One of my favorite things that James loved, he may never remember but it's an old Navy saying that pain is nothing more than weakness leaving the body."

Other participants described the inside of the lodge being loud due to everyone shouting or yelling their intentions. Laura Souter said she couldn't discern what others were saying other than hearing James Ray's voice projecting over the verbal commotion. Several of the participants quickly started "tuning out" the commotion and Mr. Ray's verbal cues and just focusing on their individual needs. Most eventually became focused on surviving because they wanted to play full on, to stick it out, to become stronger from getting the full effect. This shift to focusing on enduring was evident in the testimony by several participants that not much talking or chanting or singing or audible praying was done the last three or four rounds.

When asked to describe what was said during the ceremony, Brandy Rainey-Amstel reflected the memory of many participants. Her words twisted and swirled in a nondescript account before saying, "I don't remember, I mean, mostly it was a ceremony which is I am trying to just be there. It took a lot to be there. It wasn't easy."

Although Mr. Ray had designed his Spiritual Warrior sweat ceremony to be seven rounds, he executed eight rounds. Testimony indicated that he lost track during round four or five. And that meant his assistant, Megan Fredrickson, who was supposed to know which round they were on, also lost track - or didn't bother to tell Mr. Ray his miscue. Similar inferences could be made of the fire tenders, Ted and Debbie Mercer, and the rest of the JRI staff inside and outside the lodge. Given the testimony that the chanting, singing, and audible praying had ceased sometime after round four or five, the focus of the ceremony no longer was on discussing chakras, tobacco pouches, personal intentions, or the whatnot.

Randy Potter, who had left after the fourth round and had reentered at the beginning of the sixth, described James Ray at that time having his legs out while supporting himself on his elbows with his head about a width of a head above the ground. Randy said that Mr. Ray told them, "I'm going to have to become a participant in this thing like you." Brian Essad stated that, at one point, Mr. Ray said he would stop being himself and he was going into an altered state. After the first four or five rounds, Mr. Potter recalled Mr. Ray ceased leading chants and prayers. Jeanne Armstrong said that towards the later rounds, Mr. Ray seemed out of breath when he did try to talk. Mr. Potter remembered towards the end of the ceremony when somebody was hyperventilating, he heard Mr. Ray yell out, "You know you need to control your breathing; you need to slow your breath down."

Mr. Essad, who sat to the left of the door, said when the door was opened one time he heard Megan tell Mr. Ray he was a little flushed. In the interviews she did with YCSO

detectives, Megan offered no opinion of James Ray's condition during his sweat ceremony.

Lou Caci echoed Mr. Potter's assessment of Mr. Ray in the later rounds of the sweat ceremony. When Det. Steve Surak asked how did James Ray react or respond to the people who were in distress, Lou responded, "I think he was so out of it and he didn't really respond."

The focus of Mr. Ray's sweat ceremony had shifted to playing full on – to enduring the extreme heat and intense steam and crowded conditions, to survive a ceremony James Ray had boasted was hotter and more intense than any traditional Lakota sweatlodge.

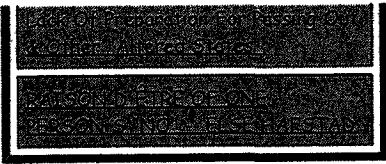
INDIVIDUAL TESTIMONY OF EXPERIENCING JAMES RAY'S SWEAT CEREMONY

To read the testimonies of individuals describing how they reacted as James Ray executed his Spiritual Warrior sweat ceremony is to meander in and out of the absurd. So many of these folks chose to ignore the obvious disorder. Those who did recognize it slipped beneath a wave of suspended disbelief. Bright, intelligent people chose to disregard common sense in favor of fanciful impressions. Despite the chaotic complexity wrought by the intensity of the heat and the desire of so many to "play full on," the descriptions rendered by the numerous participants piece together a fairly clear story of what happened.

For a few, the ceremony was an exercise to process some personal issues or just another James Ray event to experience. For many, it became a test of endurance which pushed some folks into severe heat exhaustion, three of whom died from internal organ failure.

While contemporary so-called Western culture has little established affinity with traditional sweatlodges, even a novice to sweatlodges rambling through these descriptions would readily perceive that something very wrong had gone amiss.

While testimonies didn't all concur with positioning and remembering what round during which certain things happened, a fairly clear narrative does emerge. These descriptions are rendered by those who survived and agreed to be interviewed by YCSO detectives. They follow a sunwise (clockwise) order of where the individual participants could be best discerned to have been sitting initially inside the lodge based on an analysis of the testimony given the YCSO. That order is grouped by the four cardinal directions inside the lodge – east, south, west, and north. The door would be 6 o'clock in the south, and the north end would be 12 o'clock. These descriptions from the inside are followed by the observations of people who were outside the lodge.



EAST QUARTER

Sitting in the northeast end of the lodge against the back, Richard Wright, Jr. left at the end of the second round and came back at the start of the fourth. He left not because of the heat, but because of not being able to breathe. Initially, on his left was his fiancée, Sylvia de la Paz, and on his right Kirby Brown. He reentered at the start of round four and stayed by the door. He sat upright for one round and then laid down the remaining rounds because he would feel lightheaded when he was sitting up. Richard said he kept his eyes closed the whole time and described how he felt:

It was miserable. It was hot and I couldn't breathe. But for me, it was a test. I guess it was a part of me that felt like I didn't want to let him [James Ray] down. I want to do this. But I had asked him [James Ray] in the morning session about courage, developing courage. And I even joked with him before we went in about this being the ultimate test of courage for me.

So, I mentally was okay. I knew I was going to make it. There were no times that I would feel like I was going to die or my health was in danger or anything like that. But physically, it was really, really hot and it was hard to breathe. But again I just kept focusing on my affirmations and the things that we were saying and I kept my face low to the ground. But it was miserable.

When he reentered and sat by the door, Richard testified somebody lifted the tarp in the back end. He said Mr. Ray asked for the flashlight to be passed to him and then yelled out to turn it off. While Mr. Wright wasn't sure what Mr. Ray was referencing with an ensuing "sacrilegious" comment, Richard did remember that Mr. Ray made such a comment.

Richard talked about how they checked on each other where he sat:

In between the rounds, that's when we opened door, we had light; that's when we checked on each other. People that wanted to leave would leave, and then we would all check on each other. And anybody that would pass out, we took out, we carried out to the outside. But in between, it was dark so you couldn't tell if anybody has passed out. So you would not know until the door opened that somebody had passed out unless they were laying on you. Because you couldn't stand up, it was very difficult to move somebody. They were literally dragging people out because you couldn't pick them up.

Mr. Wright also remembered the chaos that was unfolding:

In between each round, it was still quite chaotic. People were leaving, people were coming in, you heard people outside yelling, we were encouraging people to not leave. So you couldn't keep track of who was coming in and going.

He said his only symptom of distress was feeling "just lightheadedness, a little delusional, a little disoriented."

Sylvia de la Paz was a complete novice to sweatlodge and very claustrophobic; she had no desire to do this sweat ceremony. Her fiancé Richard Wright, Jr. said it would help alleviate her fears, so she decided to do only one round and entered wearing a white bathing suit. She told detectives that she was terrified, a feeling not made any more secure with James Ray's telling them during the ceremony that they would feel like they were dying in the sense of a rebirth. Sylvia described the ceremony's unintelligible chanting, yelling of intentions, unbearable intense heat, and crowded conditions as very loud and unpleasant. She said it hurt to breathe. She left after the first round. Sylvia said she survived her one round because the woman to her left, Melissa Phillips, slipped her fingers under the coverings allowing Sylvia to get fresh air.

Sidney Spencer, who sat two people to Sylvia's right, recalled Sylvia's experience. Ms. Spencer said the lady two people down from her was immediately frightened and had claustrophobia. Sidney stated that this lady immediately began crying, whimpering, and moaning, and James Ray responded, "Sweetheart, be a little stronger, be just a little stronger." Maybe five minutes later, Sylvia said she couldn't do it anymore, and Sidney remembered Mr. Ray kissed her and said, "That is good." When he opened the door, she left. Other testimony affirmed Sylvia left after round one when Carl and Louise Nelson left.

Having left after the first round and sitting outside, Sylvia said she later heard Mr. Ray very angrily say, "Who brought that flashlight? Bring it forward." Then she heard Mr. Ray yell to put the coverings down followed by, "That is sacrilegious."

There ensued testimony of Sylvia hesitantly contemplating reentering the lodge around round five or six. Whether she was being encouraged or not encouraged by JRI staffers on the outside is conjecture based on the testimony gathered by the YCSO, but she decided not to join her fiancé, Richard Wright, Jr., inside the lodge.

Melissa Phillips sat to Sylvia's left. On the night of the sweat ceremony, Melissa said she lasted three rounds before going outside where she drank two glasses of water, was hosed with water, and then returned for the last three rounds. Twelve days later, when interviewed by detectives, Ms. Phillips said she put her face on the ground, and because she sat in the outer circle against the back of the lodge, she lifted the coverings to breath outside air to survive. After the third round, Melissa left because she felt her heart beating extremely fast. She testified that James Ray began calling to those who had left, "Warriors, we need you in here." Ms. Phillips decided to reenter, and when she did, she noticed people were passed out and sometimes two rounds would pass before anyone noticed someone had passed out. Melissa didn't return to her initial spot in the northeast end, but stayed more on the southeast side next to her friend Teresa Grain. The people Melissa was citing as being unconscious could have been Ami Grimes and Stephen Ray who sat on the east side. What isn't clear is if she reentered the lodge by crawling sunwise from the door to the west to the north to the east, or if she crawled in past James Ray and tucked in by her friend, Ms. Grain. Hence, did she notice unconscious people in the west or north if she reentered by crawling clockwise as dictated by Mr. Ray? Ms. Phillips told detectives that everyone seemed crazy and delirious.

On the inner circle in front of Richard Wright, Jr. sat Scott Barratt. Mr. Barratt said the heat immediately made being there very uncomfortable, and by round four his body was telling him he had problems. Scott stood 6'5" (2 meters) and weighed 230 pounds (103.5 kg). He had trained to be a pilot in the military and had received training on the physiological effects to the body from hypoxia and the effects of gravity. He said he had prior experience of suffering heat exhaustion. So he knew his body was telling him he was losing consciousness. When round four ended and the door opened, the man besides Scott, Randy Potter, crawled out, and Scott said by instinct he followed. Once outside, Mr. Barratt was hosed with water and rolled around on the ground for a while. Even after this, he said he still felt very uncomfortable.

Then Scott decided to reenter the lodge at the start of round six. After returning, he saw someone was lifting the back of the lodge at the same place in the northeast end where he had been sitting the first four rounds. He said that Mr. Ray told them to put it back down.

Mr. Barratt intended to crawl back to where he had been seated near Kirby Brown, but he encountered an unconscious woman lying across the ground, so he squatted down where he was. Scott probably had come upon Linda Andresano. He remembered that James Ray told someone to move the woman back, but that person said he couldn't because she was lying on his leg. When Mr. Barratt tried to help move her, Mr. Ray told him not to and said, "We need to continue on." Scott thought he could lay in front of her to shield her, but was afraid Mr. Ray would tell him not to. He said he eventually crawled over, straightened the woman out, and pulled her back toward the outer edge of the lodge.

When the ceremony finally ended, Scott said he knew he needed to get out, fearing he might die. But Ms. Andresano was still not moving, so Scott tried to drag her out. Mr. Barratt stated that he felt bad for having to drag this woman through the dirt knowing it was scratching her face. He said that Greg Hartle finally came over and helped him get her to the door.

At the door, Scott rolled away so others could leave and then noticed two other persons unconscious in the north end of the lodge. When he tried to go back in, his body shut down; he said he had nothing left. After being hosed with water, he went into shock and began convulsing. Scott said he raised his legs to encourage blood flow back to his core, even as he kept oozing in and out of consciousness. Mr. Barratt described feeling worse than any hang-over he had ever had.

Louise and Carl Nelson sat against the back of the lodge with Louise to Carl's right. Carl stated that it was very hot inside the lodge before the heated rocks were brought in. Then the rocks made it much hotter, and Mr. Ray pouring the water on the hot rocks created an instantaneous blast of heat. Carl couldn't bare it and ducked down behind a guy in front of him (probably John Ebert) and tried to breathe as much air as he could get into his lungs. He and his wife left after the first round. Carl described his wife as being "out of it," and said the helpers outside had to literally drag him out once he got to the door. He recalled that he needed a while to recover. Carl's wife, Louise, fared better once she had cooled off. She said she sat around outside to offer support of the people inside the lodge. Carl told detectives he didn't notice anyone unconscious until after the last round of the sweat ceremony.

Angel Valley owner Michael Hamilton testified that Carl would tell him a day later on Friday evening that the sweat ceremony wasn't a religious experience at all and that he and his wife Louise enjoyed challenging themselves but something beyond being challenging was occurring inside that lodge.

When the Nelsons left after one round, John Patrick Ebert and Elaine Cerro were able to move from their inner circle positions in front of the Nelsons to the back of the lodge. During probably round four, when there was commotion about a flashlight having been turned on, Mr.

Ebert exited the lodge by lifting the coverings and rolling under them to outside of the lodge. He said he was hosed with water, got his "wits" back, and reentered at the start of round seven. When detectives asked how he felt when he left the lodge, John described feeling a little disoriented which he had expected due to his "state of consciousness."

Having left after round two and sitting outside the lodge, Lynette Wachterhauser observed Mr. Ebert lifting the coverings to leave. Having left probably after round three, Elaine Cerro said during round six or seven the man who had been sitting to her right when she had started "escaped underneath the flap, he just crawled out from where he was." Beverly Bunn remembered someone saying that they couldn't take it anymore, the coverings were lifted, and someone left. She said that then Greg Hartle sitting next to her started having problems and would leave at the end of the round; Greg left at the end of round four. Hence, Mr. Ebert probably made his exit during round four. After the ceremony had ended, Dr. Jeanne Armstrong said that the man who had crawled out told her, "Hey I crawled out; I didn't even know I did that."

When someone told Elaine Cerro that they were done, Elaine crawled out of the lodge. When Elaine got outside, she found out she had exited when the ceremony was only half done. She said that it was really hot and that she was lightheaded when she left. Ms. Cerro didn't reenter nor did she offer more detailed memories of the experience other than observing John Ebert's exiting under the tarps.

The East Gate was occupied by one of James Ray's key employees, Josh Fredrickson, who sat against the back of the lodge. At some point during the ceremony, he recalled seeing a glow coming from his right side, but wasn't aware that someone had crawled out till he was told afterwards. Josh said that the glow looked like someone had a flashlight and that James Ray said, "Put out that light."

Mr. Fredrickson said when round seven ended he told Mr. Ray, "If you need me to help people after the lodge, then I need to leave now so that I can regain strength," and Josh said James replied, "Hey, you can do it, you can stay in." Comparing Mr. Ray to a trainer or coach, Josh decided to stay. But then Sidney Spencer, who sat several people further to Josh's right, needed help to leave. So he and two other guys dragged and pulled her out. Josh said that while holding Sidney's ankle and pulling her out, his hand slipped and his head hit one of the branches arching to form the lodge frame. He left, sat outside because he didn't know how bad he had been hurt, and decided he needed to stay out so he could help people.

Det. Ross Diskin asked Josh about testimony that somebody had been saying, "We can't do it, we can't do it," and that Josh had said, "You need to stop saying that or else we're gonna have to ask you to leave." Josh responded:

Somebody was just yelling and yelling and yelling and not paying attention to anybody around her and being really disruptive. Being in past lodges I've had people yell out and talk about igloos and hamburgers and all sorts of different things. That's just kind of how people respond. Sometimes they're just not in the most cohesive state. So when this person was yelling, it was something repeated and I don't know what it was but it was in the middle of the round and so it was being disrespectful. And so I remember saying if you don't get a hold of yourself we'll have to ask you to leave because obviously there's something going on there if they can't.

Josh Fredrickson's response of trying to assert order depicted a sweat ceremony designed to be ignorant – an invitation for chaos to join.

Sitting to Josh's left was Brandy Rainey-Amstel who described her reaction to the first two rounds:

Initially the heat came out the first round, and it was so freaky that in a way I was going to throw up. And the people around me had me calm down. And so the second round the door opens, and I am debating whether or not I am going to go. I calmed my breathing down, and then Josh told me that it was better if I laid down because the ground is cool. So then I had my legs up and I think the woman in front of me left the first round [that would have been Louise Nelson leaving and Elaine Cerro moving to the back], so then I had my legs propped up and my back was flat on the ground with head towards the [outer edge of the lodge]. During the second round I was fine. I started to even my breathing out and it was a much cooler on [the] earth.

Brandy recalled that while she was lying with her eyes closed, she noticed light entering the lodge and then a commotion. She heard Mr. Ray say something like, "Who just did that" and "That's sacrilege."

Brandy left after the end of the fifth round because "I felt it was too hot and I had gotten what there was for me to get out of this exercise." She told Josh Fredrickson that she was ready to go, and Josh and Teresa Grain helped her sit up because she was very weak. Brandy recalled struggling to crawl out. She testified that while aware of what was going on, she felt disoriented and like everything was in slow motion. Brandy remembered being put on a tarp

which was wet and gross and which felt like a slip-and-slide and then being hosed with water which she said felt good. Brandy stated she was very disoriented, very emotional, and very cold. She was so cold she thought it was hypothermia. She lay on the ground till the sweat ceremony had ended and then left to take a shower. She felt nauseous, vomited, and noticed that her skin color wasn't normal. She returned to be examined by the EMS personnel at the lodge site and then was transported to a hospital. Brandy stated that during the ceremony while she was inside, several people in the lodge were "freaking out," but didn't depict any details.

On Brandy's left sat Teresa Grain, and probably next to Teresa sat her husband, Robert. On the night of the sweat ceremony, the couple talked to the YCSO officers while at the Sedona Medical Center. Teresa said she felt fine until she left the lodge, and then she was in shock for a long time. She stated she never lost consciousness, but was in an altered state. No further interviews by either Teresa or her husband Robert were given to the YCSO.

On the outer circle at about 4 o'clock sat Kim Brinkley who stayed close to the ground almost the whole time. She said it was difficult to breathe right after water was thrown on the rocks, but then it became easier. Kim said a lot of people were leaving during rounds, and then some reentered. She said people were passing out, but some guys came and removed them. At the end, Ms. Brinkley said things were fuzzy, but she remembered crawling out, having blurry vision, and collapsing at the doorway. She couldn't remember if someone pulled her out from the door, but she remembered lying in rocks on the ground and not being able to feel her arms and legs. She yelled for someone to help stimulate her circulation. Kim said she felt very cold, and her friend Rosie [Senjem] told her she had hypothermia due to the hot and cold of the lodge and then having water sprayed on her.

Sitting in the inner circle in front of Kim Brinkley, Ami Grimes recalled having room to lay on the ground floor of the lodge where she was sitting. Prior to passing out, Ami remembered people cheering, "Yeah, I can certainly do this" or "Yeah, this is awesome."

Gabriela Cassineanu sat to Ami's left and realized Ami wasn't doing well. Gabriela spoke up and said that Ami needed help, but folks told Gabriela she hadn't said it loud enough. To Gabriela's right and behind sat Josh Fredrickson; immediately to her left and behind sat four JRI personnel, including James Ray. None of these folks responded to help Ms. Grimes. Toward the end of the sweat, Kim Brinkley remembered that Ami passed out and fell on top of Kim; Ms. Brinkley yelled, and someone came and removed Ami from the lodge. Danita Olesen recalled that between rounds five and six, someone said Ami Grimes had passed out, and Mr. Ray told someone to help. Danita said Bill Leversee crawled over her to help drag Ami out.

Ms. Grimes couldn't recall passing out, but since she couldn't remember leaving on her own power, she realized she had passed out and had been removed. She said that a friend told her she "balled her eyes out" after being moved outside. Ami thought that she was unconscious for about twenty minutes and that when she became conscious, she was being sprayed with water and felt very sick and, "I just didn't know what was going on." Brandy Rainey-Amstel remembered both William Leversee and Ami Grimes started vomiting after Dennis Mehravar began throwing up. Mr. Mehravar had left the lodge at the end of round five, passed out, and woke up later. Brandy also testified that she found Ami behind the lodge vomiting after round eight when James Ray had left the lodge and talked to Ami.

Gabriela Cassineanu, sitting to the left of Ami Grimes, stayed inside throughout the ceremony. She never lost consciousness and described breathing in the same manner she does when she meditated – a very, very short breath. She did so to minimize the amount of heat she would breath in. Gabriela said she became focus on her own experience and couldn't remember details of what else was happening inside the lodge other than saying that Ami Grimes, who sat to Gabriela's right, needed help. Ms. Cassineanu stated: "I tried to be very calm all the time, and I didn't think too much. I was just focusing on what's going on with me. I always tried to be in the moment to control myself, not watching what's happening." She must have really focused, because James Ray insisted all the folks who left, either on their own or by being dragged out, had to do so clockwise which meant going right past Ms. Cassineanu.

SOUTH QUARTER - EAST OF DOOR

Sitting on the inner circle to the left of Gabriela Cassineanu, Julie Min spent most of the time inside the lodge lying down. Julie said that toward the beginning of round three or so, people lifted the tarp two or three times in the back of the lodge near where Kirby Brown and James Shore were sitting. According to Ms. Min, James Ray said, "What are you people doing? Please close the flap."

Min stated that part of the sweat ceremony experience was to reach an altered state and that she believed she reached an altered state in the fifth round. Julie said she also became nauseous during round five, but figured that was part of the experience and decided to ignore the feeling. When she exited the lodge at the end, she felt extremely dizzy and very weak and had a headache. She remembered that Tess Wong was beside her on the tarp, and Min observed how Tess was struggling with hypothermia and was being treated before Julie eventually left the lodge area to vomit. She immediately felt better after drinking electrolyte water and eating some orange slices. Overall, Julie testified that she was very happy with the way she had come through the sweat ceremony.

Sitting to Julie Min's left was Brent Mekosh who sat up the first two or three rounds and then laid on the ground for the rest of the ceremony. By the fifth round, he said he was just counting down till the ceremony would end, focusing on himself and not paying attention to what others were experiencing. Mr. Mekosh said it was really hot and the sweat ceremony was way beyond what he expected in intensity. Brent explained that since he was to the right of James Ray, he was near the door which when it was opened gave him some relief from the heat. Mr. Mekosh recalled that at one point there was a beam of light and that Mr. Ray said this is a sacred space and told whoever lifted the tarp to put it down.

Brent tried to convey to detectives that he was having difficulty understanding why he derived some benefit from what was a tragic ceremony. During the ceremony, Mr. Mekosh was able to process some problematical feelings from losing friends in the 9/11 terrorist attack. He described having a tremendous release of emotions and really crying during the last few rounds. Brent felt he had an out of body experience which helped him release these emotional issues, and when he left the lodge, he felt very drained and out of it.

Stephen Ray, no relation to James Ray, was 46, 5'10" (1.8 meters), and 180± pounds (81 kg). Three people sat between Stephen and James Ray. Sitting against the back of the lodge, Stephen narrated how he experienced the first few rounds:

Once the rocks were all in the pit, then he [James Ray] closed the door and then poured some water on the rocks which created a lot of steam. So once it was closed, you could really feel the intense heat. And then when the water was gone, it was really hot. I mean you could just feel the steam roll on to you. People right away were complaining. Some people were chanting along, and in between people were just complaining that it's hot and 'I can't stand it in here' and comments like that. And then James would yell out, 'You know you are more than that.'

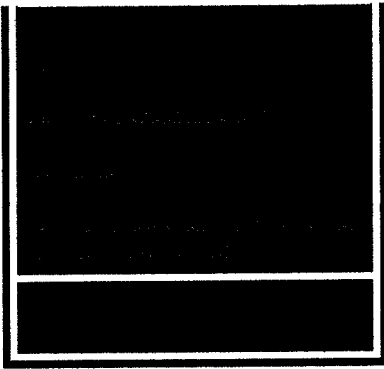
Then it got to the point where people were wanting to leave in between rounds, and he is like, 'No one is allowed to leave in between rounds, sit down.' And he would say, 'You know you are more than that.' Other people would yell out, 'You are more than that.'

Then his assistant Greg left, and that was a big deal because [James Ray] was really adamant about Greg not leaving. And the door opened, and [Greg] was just like, 'Sir, I've got to get out of here.' So he went out. It seemed like maybe the third or fourth round. Then he came back in. I think he was out for at least a round because toward the end I remember James saying he was going to have Greg stay an extra round because he had missed the round.

Then people started passing out, and I remember thinking why is it no urgency to get these people out of here – they are passing out.

In later rounds, Stephen said that he couldn't believe James Ray kept generating more heat because it was "so miserable in here and it just seemed to be too much." Stephen described having a blurry memory of finally saying he needed "to get out of here," of James Ray insisting folks needed to exit the way they had entered, of the door being closed, and of then passing out. Stephen said, "As I passed out or something, I remember thinking I was being water boarded."

Michael Olesen recalled, after he reentered the lodge to start round seven, that Stephen seemed to be having difficulties with consciousness – his eyes were closed and stuff was



running out of his nose. Michael returned to his spot in the northeast area next to his wife, and Stephen sat in the southeast area. So it isn't clear how Mr. Olesen could have noted this about Stephen Ray unless Michael had crawled counterclockwise past Stephen during his reentry. According to Lisa Rondan, a Dream Team member stationed outside the lodge to provide support, when Stephen exited the lodge and told her that he was feeling suffocated, he then passed out. Josh Fredrickson testified that Stephen Ray was put a backboard and airlifted to a nearby hospital. Stephen said he remembered passing out and the next thing he remembered was waking up in the hospital a couple of days later. Three weeks after the James Ray sweat ceremony, Stephen was down to 166 pounds (74.7 kg) with other problems still lingering.

Four JRI personnel sat adjacent to the east of the door – Michael Barber, then to his left Taylor Butler, then Megan Fredrickson, and then James Ray, who sat on the east side of the South Gate, the door. Stephen Ray, who sat immediately to the right of these four, remembered feeling James Ray splashing water with a ladle on himself and his three staff members. While Stephen recalled this happening after the rocks had been brought in, he didn't make it clear whether James Ray was splashing the water before or after pouring water on the hot rocks. Michael Barber and Megan Fredrickson offered a limited description of their experience inside the lodge, basically saying it was no different than other previous James Ray's sweat ceremonies. There was no testimony from either Taylor Butler or James Ray.

SOUTH QUARTER - WEST OF DOOR

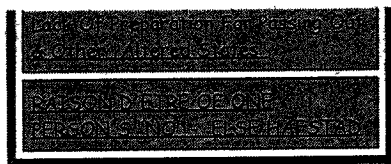
On the west side of the South Gate sat a member of the Dream Team, Aaron Bennett who placed the rocks in the pit, something he had done in previous James Ray sweat ceremonies. He said that it was normal in those previous ceremonies for people to be leaving after the first round and for people to be leaving or reentering every round thereafter. He guessed that by round three or four of the 2009 Spiritual Warrior sweat ceremony, people needed physical assistance or needed to be guided because they weren't strong enough to crawl out by themselves. Concerning people being unconscious, the JRI staffer explained:

I remember people saying there were people unconscious. I don't remember those words. I remember hearing words of concern or worry that something may be wrong. And here is the thing – a lot of people were lying on the ground because it was cooler on the ground, so even if I was sitting next to someone who was unconscious, there is no way I would have known because that person may have been having a difficult time and they were lying on the floor as many people were because it's cooler. So they could have just had their eyes closed, kind of conserving their energy so when James might have heard people saying I think this person has a problem. I mean everyone is so altered, everyone is so out of it that he has heard that before; he has heard that year after year after year so, does that make sense? I was there the previous two years. I wasn't like, 'James, you better fucking do something because this is really different.' It was very similar to the last two years. So there is nothing that I feel James should have done differently because everything was the same as the past five, six, seven years he's been doing this, so that makes sense.

Seated to Aaron's left was probably Nell Wagoner. She said that she didn't experience any problems while in the lodge. When she first went in, Nell sat up, and then around the third round, she lay down because it was getting hotter to sit up. Sitting near the door to the left, Nell remembered James Ray, at one point, started yelling that there shouldn't be any light inside the lodge and that the ceremony was sacred. Dr. Wagoner, a gynecologist, stated that James was very upset as his booming voice was clear when he said the intrusion of light was sacrilegious and asked for the flashlight to be passed to him. Since there was no flashlight to pass to him, Nell didn't say how he reacted to that. After round eight had ended, Dr. Wagoner described leaving in a clockwise direction and coming across unconscious bodies in the north end of the lodge. She and another man helped remove the smaller woman, who would have been either a groggy Liz Neuman or an unconscious Kirby Brown. When Nell finally exited the lodge, she said wasn't able to stand up any longer and fell over.

Two people to the left of Aaron Bennett sat Brian Essad. While offering little detail in his interview with the YCSO how he experienced James Ray's sweat ceremony, Brian stated that it had been a positive experience for him and that he would do it all over again.

Lara Prieve sat to the left of Aaron Bennett and probably to the left of Brian Essad. After the first round, Lara lay down because her back was hurting and the earth was cooler. She said her breathing was a little more labored, but she didn't feel nauseous. No other details of her experience were offered.



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WEST QUARTER

Sitting to the left of the four folks positioned on the west side of the door and located at about 8 o'clock was Dr. Jeanne Armstrong who described herself as "morbidly obese." She said she started hyperventilating as the heat initially filled the lodge, so she consciously slowed her breathing. By the third and fourth rounds, she laid in the dirt because it was cooler and sat up between rounds to feel the air drift in from the opened door to her right.

Jeanne recalled that after Ami Grimes had been pulled out, which apparently was at the end of round five, it was dark inside the lodge, and then all of a sudden there was a light for a while in the northeast opposite from her. She recalled that James Ray asked, "Who has a flashlight?" And then people responded that nobody had a flashlight and that somebody was crawling out or was leaving.

Dr. Armstrong said the sweat ceremony was very doable and quite easy.

One of the last ones to leave the lodge because she sat on the southwest side, Dr. Armstrong described how the sweat ceremony ended for her:

It felt good. When I came out I actually put both hands over my head, took a minute, stood there for a second, celebrated because it's not something I wanted to do per se. I don't like being hot, but I really wanted to do something that physically I felt I could do. I'm overweight. I don't exercise regularly, but as I came out, I am like, 'Wow, I kicked butt on that.' I really controlled my breathing the whole time, and it seemed to be fairly effortlessly for me.

Dr. Armstrong testified that she never heard anyone scream, "I need help! I need help!" While Jeanne remembered the removal of Ami Grimes who had passed out, Armstrong's testimony didn't include any cognitive reaction that something might be going wrong in the ceremony. As she told detectives: "I don't know what was going on; I didn't see anything."

Once outside, Jeanne recalled having water poured on her and talking with the person sitting next to her before hearing someone say there was a problem. When Dr. Armstrong went to where the bodies of Kirby Brown and James Shore had been moved, she began assisting with the CPR. She said she thought, "Gosh, why did I do so well? And why am I doing CPR on people? It didn't make a lot of sense just because for me it had been less grueling than other things I've done."

On Dr. Armstrong's left sat a mother of three, Christine Mattern. Having stayed inside the lodge for the entire sweat ceremony, Christine described for Det. Shonna Willingham her experience:

When it first started, the stones were super hot, and that stinging heat was too much for me. I covered my nose, and so I think the heat went around my face rather than going up into my sinuses, and that seemed to be tolerable for me. So I found it really difficult to breathe.

It was really hot sitting up. I recognized when we were sitting there the sweat started dripping off me almost instantaneously once they had brought the stones in. I do yoga, so I am pretty flexible. So I leaned over and was close to the ground. And at some point I actually laid down and I felt more comfortable; I could get a better breath.

After a while I felt like I went to a meditative state. And so I was fine with that, and we were all talking to each other and just kind of rallying around each other and being supportive.

Christine said she felt comfortable with her meditative state which she thought was the altered state James Ray had told them they could reach during his sweat ceremony. But towards the end she began to feel uncomfortable because when the door was opened and rocks were being brought in people were talking a lot, encouraging others to reenter, and saying "Good job." Toward the end, Christine just wanted to finish: "I was just like I am totally done with being in the heat."

Ms. Mattern shared her reaction to the way the ceremony ended:

I was really frustrated because they were trying to get people that were lying on the ground out. At that point, they were probably the people actually that died, but I was really mad that we were kept waiting because it takes a pretty long process to drag somebody out. And so I was upset because I just really wanted to get out. And there were people that were having a difficult time, and I just need to get out. So I really didn't care at that point to help people out who were kind of groggy, like I didn't think that people would die. I just was thinking they are really groggy, and maybe they are just coming out of the meditative state, and I am like I am awake - let me just get out.

On the inner circle in front of Christine Mattern sat Greg Hartle, James Ray's business development manager. Testimony by Stephen Ray and other participants indicated that Greg left after round four, despite Mr. Ray's strong suggestion that Greg should stay inside. Greg reentered at the start of round six, along with Randy Potter. Mr. Potter testified that Greg "later told me was that he had been throwing up there inside when he went back in." There was no testimony or interview by Mr. Hartle with the YCSO.

Next to Greg sat Lynette Wachterhauser. On the night of the sweat ceremony, she told YCSO officers that inside the lodge "was hot as hell." She stated that she came out after two rounds because she had high blood pressure and didn't want to endanger her health. Ms. Wachterhauser said that as she sat outside and the sweat ceremony went on with more rounds, the sicker people became who were coming out. At one point during the ceremony, Lynette testified that James Ray told whoever had the flashlight to turn it off, but she knew that John Ebert had lifted the coverings to leave. Lynette assumed that Mr. Ray must have thought that was a flashlight.

In a follow-up interview two weeks later, Lynette testified that she stayed for only two rounds when a voice inside her told her to leave. Ms. Wachterhauser stated that being in such an altered state, she wasn't fully aware of what or who was around her, but that the sweat ceremony for her was a good experience, though it was horrible that people died.

Initially, Beverly Bunn sat in the inner circle to the left of Lynette Wachterhauser. During the third round, Beverly said she attempted to sit up but became very light headed and laid down again. She said everyone was starting to lie down. When round four started, she became afraid because it had become so difficult to breathe. Beverly got on her hands and knees and crawled sunwise toward the door with the intention of leaving, but she said that James Ray told her, "Beverly you are stronger than that, stay." Ms. Bunn testified that she crawled past the door and returned to the west side near where she had started and remained there for the rest of the ceremony. She heard someone say they couldn't take it and then someone lifted the tarp and rolled out. She remembered Mr. Ray saying, "Why is there light? There should be no light. Close the tent." She also remembered Mr. Ray saying, "That is sacrilegious what he did. You must go out clockwise."

After the door was shut to start round seven, Ms. Bunn recalled someone in the dark stated, "She's not breathing; I can't get her to move." Beverly said James Ray responded, "Door's down; we will deal with it later." Someone else said, "I can't take it, I am hurting." And Mr. Ray told that person to quiet down and added, "I'm the one talking now." Ms. Bunn remembered that the lodge seemed to quiet, and she began concentrating on making it through this next round. When the door was opened at the end of round seven, Mr. Ray invited everyone who had left to reenter for the last round. Beverly stated that a lot of people crowded back inside the lodge for the last round.

Against the back of the lodge and to the left of Christine Mattern sat Laura Souter. Laura testified she began the first round sitting up, but after the first round laid down with her knees pulled up when the heat filled the lodge. With her head near the back of the lodge, she would turn her head to breathe just above her shoulder where she could feel a trace of fresh, cool air seeping in under the coverings. She felt nauseous and "very, very lightheaded." Ms. Souter said she had never sweated so much in her life: "I felt like all of my fluids were just pouring out of my body." She reasoned she had a headache because she had eaten a lot after the 36-hour fasting for the Vision Quest and prior to the sweat ceremony. During the first couple of rounds, she said to herself, "Oh my God, I am going to get out, I am going to get out," and thought she would leave as soon as the door opened. Enduring through the third round, she said, with a bit more confidence, to herself, "you are going to do this, you are not your body, you are not your body." And she repeated over and over again, "I am not my body, I am not my body, I can withstand, I am going to do it, I am going to do it." Laura said she convinced herself she could do the ceremony and stayed for the rest of the ceremony.

During the ceremony, Ms. Souter recollected that light was suddenly everywhere inside, as if someone had turned on a flashlight. She remembered James Ray said something about turning off a flashlight. Laura was told later by somebody that a man who was disoriented left the lodge by lifting up the tarp where he was sitting on the northeast side.

Ms. Souter described her exiting at the end of the ceremony, crawling from the west side through the north end to the east and finally out the door in the south:

We were supposed to be moving in a clockwise fashion on our hands and knees which was really hard on your knees in the gravel; my knees are still skinned up. But I got to that area in the northeast of the tent. Christine [Mattern] was behind me, there was someone else in front of me, and then there was somebody that was lying down, and then another person that was talking to them, and I went around them. I don't know who it was; I was focused on getting out. At that point, it was truly just self preservation - I have to get out. At that point I felt like it's over, we are done, we are supposed to be out, and I did hear some

people from the Dream Team and James saying, 'Come on guys, you all have to come out, come out, it's time to come out.'

Laura reflected on what the sweat ceremony meant for her: "I felt pushed to the absolute limit that my body could probably take. But for me, it was a good thing. I felt totally drained of everything that I was trying to get rid of."

Next to Laura Souter sat Linnette Veguilla, a young woman in her twenties. Linnette testified she left early during the ceremony, maybe after five rounds, and felt nauseous and disoriented for a while afterwards and couldn't stand up straight. Thereafter a headache plagued her. Laura Souter said that maybe just before the sixth round, Ms. Veguilla said she couldn't do this any more and didn't want to die, so she left. Brandy Rainey-Amstel, who had left at the end of round five, remembered Ms. Veguilla being helped out of the lodge after Lou Caci had left and described Linnette as fighting and kicking and screaming, "I want to go home, I want to go home."

Laurie Gennari sat to Linnette's left. In the first round, Laurie thought, "Wow, this is the first time I've been warm all week." During the second round, she went flat on her face with her head towards the outside edge of the lodge, and that is how she stayed. Ms. Gennari stated she was on her face digging into the dirt seeking the coolness underneath. She also put her fingers at the edge of the coverings and felt a breeze on her fingertips. About round seven or before, Laurie decided to leave because the exertion of being on her back and no longer having coolness had become too much. Ms. Gennari sat in the west, so she needed to crawl around to the north, then to the east, and finally out the door in the south. She testified that when she crawled to about four feet from the door, James Ray said, "Nope, you are too late. Door's closing. We are starting again." Brandy Rainey-Amstel testified that when she herself left at the end of round five, she heard James Ray say, "No, you can't leave." And Brandy said she felt so irritated because she was about to exit the lodge, but then Mr. Ray said to her, "No, not you; you can go." Whether or not Mr. Ray was telling Ms. Gennari or someone else they couldn't leave wasn't clear in the testimony. When denied passage out of the lodge, Laurie said she spied a big dark spot with no people, lay there, and put her face into the dirt away from the fire pit to wait it out.

Positioned at the West Gate was Liz Neuman of James Ray's Dream Team. Having lined up as friends to sit together, Laurie Gennari, Laura Tucker, and Danielle Grandquist would occupy the west side of the lodge and have no one sitting in front of them. Having not lined up with the participants to enter the lodge, Liz scooted into the lodge and sat between Laura Tucker and Laurie Gennari. Testimony from others indicated Liz had done several of these sweat ceremonies of James Ray. Lara Prieve, who sat in the southwest end near the door, didn't say which round, but when the door opened, she saw that Liz "looked like a ghost." At round seven or before, Laurie Gennari, sitting on Ms. Neuman's right, looked up under her arm and thought that Liz didn't look very good. Ms. Gennari said that Laura Tucker then asked Laurie to help her support Liz.

As emergency personnel and paramedics were responding to the urgency sprawled around the empty lodge, Josh Fredrickson testified that Liz was sitting up and somewhat coherent afterwards, which was why she wasn't treated and taken away until after those who were unconscious or dead had been. Liz died eleven days later on Saturday, Oct. 17. A divorced mother of three who worked as a computer data programmer, Liz was described as extremely athletic without any medical problems.

On the night of the sweat ceremony, Laura Tucker told YCSO officers the first three rounds were the hardest for her and that once she laid closer to the ground, it became manageable because she could breathe easier. She stated she didn't hear anyone say they needed help or "I have to get out," but several people expressed that they were being challenged.

When interviewed by detectives 18 days later, Laura offered a much more extensive recollection of her experience inside the lodge.

Liz [Neuman] came and scooted in between me and Laurie, and I remember saying to her that I was so glad that she was there because I was nervous. Liz was on the Team. She had done this I don't know how many times before, but she had done it as far as my understanding is at least three times before. So I said to her, 'I am so glad you are here; I am actually nervous.' And she proceeded to say, 'Oh, don't be nervous. It is intense, and here is what you can do when it gets to be intense to make it easier on yourself.' And she proceeded to coach us on what to do. She told us if we were feeling too hot lie down and put your head to the exterior of the tent; you will get some coolness there. And another helpful way to do it is to go into child pose. Child pose is a yoga pose which is getting on your knees and then putting your head in front of you on the ground. So she said so lie down on your back, put your head to the exterior, or turn around and go into child pose and you will find that you will get relief from the exterior of the tent and from the earth itself. Also put your hand in the dirt a

bit, which had the effect of totally calming me down.

And then it began. There was a lot of ritual involvement in this. James Ray said there would be chants. I don't really remember a lot of that because I was pretty consumed in my own, what was going on with me. It was a lot hotter than I had imagined. In the first round, I became very uncomfortable physically, not necessarily from the heat, but all of a sudden like my back was sore, my hip was sore, I just could not get physically comfortable, and I was moving around all over the place. And I pretty quickly figured out that I needed to lie down and so that's exactly what I did. I did what she told me – I put my head to the exterior, I had my knees bent up.

I struggled the first three rounds with my breathing, with my heart rate. And Liz had told us we will tap each other, so she was tapping me on the arm. It was reassuring but also kind of keeping tabs, and I was doing the same with Danielle [Grandquist] on my left. And it was a way just to know that everything was okay. So she was tapping on me, and I was doing everything I could because I knew that if I couldn't get my breathing and my heart rate to settle down, I was going to have to leave. And it was very tough, but sometime right after the third round, everything physically changed for me and it was like suddenly I was breathing instead of trying to breath. Everything slowed down, and I was fine. All of the distress that I had been feeling was gone.

So that's where I was at for round four or five, but at some point Liz changed her position and she did exactly the opposite of what she has told us to do. She moved forward and she went into child's pose and she was facing the stones. And that caused me to take notice. And so there I was experiencing some kind of like a flow state because it certainly wasn't the struggle that I was having at first. And I reached forward and I nudged her hip, and I was like Liz come back here with us and she shook me off. I did that a couple of times. She was in that position for a time, and then she changed her position again. She sat up in front, and I was flat on my back, my legs were bent, and she sat in front of my feet and leaned back on my legs. So then I was like okay, she is leaning on my legs, I am not so sure if that's comfortable, but it was very uncomfortable for me. Plus you are wet, you are sweaty; so it took a lot of effort to keep my legs so I could support her. Then I figured out I couldn't sustain that, and I changed the position of my legs. I flipped my knees over to the right on down to the ground so my legs were horizontal and I could better support her weight that way. And at some point Laurie [Gennari] who was besides me, flipped her knees over towards me, and she had her knees in there as well.

Before the seventh round I was concerned about Liz because I knew how hot I was with my head back at the tent, and I was tapping and she was there but I just, I didn't, I wasn't comfortable and so I spoke up. There was a quite moment, and I called out, 'James, I am concerned about Liz.' And I didn't get an answer. So I didn't know if he had heard me or not because I had no idea how loud I was. I was absolutely exhausted. So then I propped myself up a little bit and I was louder and I called out and I said, 'James, it's Laura. I am concerned about Liz.' And he answered, 'You know Liz has done this many times before Laura; she knows what she is doing.' And so I put my head back down, and because she was on me and I was pretty much bearing her weight, I reached up with my left hand and I grabbed her left shoulder and I asked her, 'Liz, are you alright?' And she said, 'Yes,' and then I asked her, 'Do you need to get out of here?' And she said, 'No.'

And then the seventh round started and after the seventh round that's when Laurie [Gennari] had to get out. And then there was the eighth round and then it was finished, and I called out for help because it was time for me to get out of there. And I don't remember who it was, because it was dark and by that point I was on the edge of, I don't know if I was, not panicking, but I was getting upset. And so I don't remember who it was that came and got Liz, but I just said, 'I got to go, I got to get out of here, I have to go.'

To summarize her experience, Laura Tucker perhaps spoke for many of the participants: "I was pretty wrapped up in my self-management."

To Ms. Tucker's left sat Danielle Grandquist. Having left after round five or six, Danielle provided an interesting response to Det. Ross Diskin's query on how she reacted to James Ray's sweat ceremony:

Danielle: I was in an altered state, but yet I imagined something happened that didn't happen. And I confirmed that with everyone that was sitting next to me.

Det. Diskin: So you had a hallucination?

Danielle: Yes.

Det. Diskin: What was that?

Danielle: That I screwed up. That we had those little prayer pouches and that I touched one and I thought I heard James say that if you touched them that you had to start over. I heard James talking to me that I had to do all these chants, and I felt like I was holding up everyone in the tent so I left. And it turned out that it was just me tricking myself because I think I knew something was not right and [it was a way] to get me out.

Det. Diskin: What do you think caused that? Do you think it was spiritual or do you think it was hyperthermia?

Danielle: When I left I was totally fine. I wasn't dehydrated, I didn't feel sick, and it only took me like maybe five to ten minutes to feel normal again.

Det. Diskin: As far as the hallucination, what do you think that was?

Danielle: I don't know, probably spiritual.

Det. Diskin: Okay. So would that be like part of the altered state that, that, I don't understand this. But would that be like part of the altered state that you get into just as part of the ritual?

Danielle: Yeah.

Ms. Grandquist stated that by the end of round seven, she felt fine and began assisting in pulling people out of the lodge.

Probably to Danielle's left sat Sandy Andretti and Rosemary Senjem. Ms. Andretti said she was ready to leave after the first round, but didn't until her coach on one side left and then the woman on her other side left. She didn't use any names to identify these people. Sandy indicated that she had to be carried out when she left. After being hosed with water, she felt dizzy, couldn't function, went into shock, and started shaking. Sandy stood and tried to walk, but still didn't feel right, feeling nauseated and having a numbness in her legs and entire body. She compared her sweat ceremony experience to childbirth.

Rosemary Senjem stated she stayed for the first two rounds, came out, was hosed with water, drank water and electrolytes, waited two rounds, and went back in. She said her new position in the lodge was less stressful and she felt better because everyone was lying down. After two rounds, she left, but had wanted to stay in.

William Leversee probably sat in the outer circle in northwest area of the lodge. Randy Potter described Bill as being a 6'-5" (2 meters) professional rugby player, an All-American type guy. During the ceremony, James Ray asked Mr. Leversee to help remove folks who had passed out or needed help. Bill and Randy Potter helped Lou Caci move out of the lodge after Lou had burned his hand at the end of either round four or five. Danita Olesen, who sat near the north end of the lodge, recalled that Bill crawled over her to help drag Ami Grimes out at the end of round six. After Dennis Mehravar started vomiting after recovering from passing out and being pulled from the lodge, Brandy Rainey-Amstel remembered both William Leversee and Ami Grimes started vomiting while the ceremony was still going on. Hence, Bill must have left the lodge sometime after the end of round six and the start of round eight. Mr. Leversee talked with YCSO officers the night of the sweat ceremony, but there was no subsequent interview given to the YCSO.

An inner circle of folks began again to the left of Danielle Grandquist with Dennis Mehravar. On the night of the sweat ceremony, Dennis told YCSO officers he couldn't remember anything after the fourth or fifth round. He recalled putting his head close to the ground, and the next thing he remembered was being outside and someone hosing him with water.

In an interview with Det. Shonna Willingham two weeks later, Mr. Mehravar offered a clearer recollection of his experience. He said he lasted till round five, and though he wanted to finish the ceremony, he felt he couldn't. He began crawling to leave, but couldn't remember how he got out of the lodge. Dennis remembered Dream Team members pouring water on him. He said he felt really dizzy, couldn't get up, and soon thereafter started vomiting severely. Then Mr. Mehravar described having trouble breathing and thinking he was having a heart attack. He said he couldn't breath, thought his heart had stopped, and began screaming that he didn't want to die. The next thing he remembered was seeing ambulances and helicopters. Around midnight, some seven hours after the end of Mr. Ray's sweat ceremony, Dennis said a doctor told him he could leave the lodge site. CPR had been administered to at least three people which suggested that paramedics in triage had determined Dennis hadn't been a high priority. During all this, Dennis remembered that James Ray sat in a chair and even told Dennis, "Oh, you were reborn; go take a shower and go to dinner."

Sylvia de la Paz, who had left after round one and tried helping folks as they were leaving the lodge, testified that when Mr. Mehravar left the lodge, he said he was having a heart attack. Sylvia said that two Dream Team members said not to bother these people who were beginning to become strewn around the outside of the lodge and to let them have their journey. Sylvia described Dennis as having a seizure, flailing on the ground, and screaming he was dying. She thought this occurred during round four or five.

Lynette Wachterhauser had left after round two and also remembered that once Dennis was outside the lodge, he began screaming that he was having a heart attack and that he had to live for his children. Both Scott Barrett and Brand Rainey-Amstel recalled Mr. Mehravar reacting violently by kicking and yelling. Brandy also recalled that James Ray while still inside the lodge told Dennis that he need to pull it together; Scott recalled Mr. Ray while inside the lodge telling Dennis he needed to quiet down.

Josh Fredrickson offered this narrative to Det. Ross Diskin:

During the last round when I was outside, I was lying down and cooling off, and Dennis was in a chair with some of the people helping him. And he started yelling, and he was acting a lot like how Daniel Pfankuch was acting back in 2005 [Spiritual Warrior sweat ceremony]. He was very belligerent, loud, not being cooperative, and at one point he was yelling that he had died and then he was yelling that he had a heart attack. And he was yelling a lot of different things, and he just wasn't being cooperative. And so it was pretty hard to figure out what was going on with him other than he was just out of it.

James [Ray] was still inside, and Dennis was yelling so loud that everybody inside could hear it and obviously disrupting what was going on inside, the ceremony. Dennis kept yelling, 'I'm dead! I'm dead!' And James kept yelling out, 'Dennis, no you're not dead!' And I thought it was surprising that James would yell to somebody outside the lodge from inside because I don't think I've ever really heard him do that before. But he was trying to talk Dennis down. He said, 'Dennis, you're not dead; snap back into it,' that sort of thing.

Though her testimony rambles through detailed recollections of how she experienced Mr. Ray's ceremony, Brandy Rainey-Amstel remembered Dennis was outside next to Lou Caci who had his burnt hand in a bucket of ice. Brandy had exited after round five; Lou had exited at the end of round four or five after placing his hand in the pit of hot rocks, but he reentered the lodge at beginning of round eight. Given Josh's testimony, Dennis left the lodge either after round five or six, he was "out of it" for a round or two, and his violent physical and verbal reactions transpired either after the end of round seven and the start of round eight or for a couple of rounds after round six had ended.

To Dennis's left probably sat Christie Hsiao. On the night of the sweat ceremony, Ms. Hsiao told YCSO officers she left for good the third round because she couldn't breathe. Her testimony didn't indicate whether she left at the start or end of the third round. She testified that where she was sitting and when water was poured, steam hit her and it was too intense. She believed if she had stayed she would have passed out. Two weeks later, Christie testified that she left after the second or third round because it was crazy and she trusted her instincts.

Amayra Hamilton was present to see the Nelsons leave the lodge at end of round one and then remembered Ms. Hsiao exiting the lodge. Ms. Hamilton described Christie as being the one who "was considered to be the spoiled kid in the group." Amayra explained: "She's a city girl, and she has a rich daddy that pays for all her things. She doesn't have a job, and she loves being at James Ray's things. But when James tells them what to do - this, that, and the other, she doesn't do it and she doesn't do her homework too. In the group, she's considered the quitter girl."

Obviously she quit at the right time for this particular James Ray event.

NORTH QUARTER

Michael and Danita Olesen began in the inner circle sitting on the west edge of the north end of the lodge. Michael testified the first three rounds weren't bad, but starting with the fourth round, inside the lodge was becoming very hot. He said when the door was opened he wasn't able to feel any fresh air. Mr. Olesen stated that even though he was starting to feel really weak, he stayed for the fifth round. But he became concerned that if he waited he would lack strength to leave. He left as more rocks were being brought in to start the sixth round and was hosed with water. Sometime prior to leaving, Olesen remembered that James Ray had yelled that some light which had come in from the back of the lodge was disrespecting the ceremony.

Concerned about his wife, Danita, who was still inside, Michael reentered at the start of round seven and returned to his initial spot. He recalled on the last round Mr. Ray told everyone to lie down, but Michael couldn't because of this lady near him wasn't coherent, describing her as being "out of it." Michael tried to get this woman, probably Linda Andresano, to lie down and stated that he thought she should have been removed, but James Ray said to leave her leaning against the wall - "just leave her there." Mr. Olesen stated that everyone was mostly following Mr. Ray's lead and that some people were starting to freak out. Michael couldn't remember that any of Mr. Ray's staffers were helping those people who were freaking out or trying to get out, but that other participants were helping each other.

During the first four rounds, Danita Olesen kept her face down while sitting, but then the heat became so intense she lay down and buried her face in the dirt where it was cooler. Around the third round she noticed her heart rate was faster, and by the next round she had slowed her heart rate by doing slow deep breathing in through her nose and out her mouth. Since she didn't feel she was having any problems and wanted to experience the entire event, she stayed inside till the end. She considered the experience good because she had pushed beyond her self-imposed limits.

Danita recalled hearing people moaning, but the lodge's darkness limited what she could perceive even when the door was opened. She thought around the fifth round a lot of people had had enough and started to leave. After round eight ended, Ms. Olesen crawled past Kirby Brown and James Shore who were to her near left side and thought, "Why aren't they moving?"

The night of the sweat ceremony and then four days after the sweat ceremony, Lou Caci described for YCSO detectives how he burnt his hand. Lou stated that he had been sitting along the back of the lodge with his wife to his right and Linda Andresano to his left and that Mike and Danita Olesen sitting in front of him wanted to switch places. After they had switched, Lou said he had become so hot that he was delirious and decided to leave the lodge. But he put his hand into the hot rocks. Mr. Caci remembered doing this and leaving around round four or five, being sprayed with water and screaming, and then returning for the last round. When returning to his spot next to Ms. Andresano in the north end, Lou stated he noticed she was unconscious and advised James Ray about this. Mr. Caci testified that nothing was done. After round eight ended, Lou said he and another person pulled Ms. Andresano out of the lodge.

The YCSO had no testimony from Mr. Caci's wife.

Lou Caci placing his hand in the pit of hot rocks became one of the landmarks on the landscape of memory for many of the participants.

Helping to tend fire, Debbie Mercer remembered Lou Caci sat out for two rounds and reentered for the last round. While testimony from others was conflicting to when Lou left the lodge, it would seem that Ms. Mercer's account is the more probable - that Lou stumbled into the pit of hot rocks as he was trying to leave at the end of round five, stayed outside for two rounds nursing his severely burnt hand, and then reentered for the last round.

Providing support outside the lodge, Fawn Foster said that at the end of the fourth or fifth round, Mr. Caci fell into the pit of hot rocks while trying to crawl out. Ms. Foster said Lou finally emerged and was attended to by one of the Dream Team members, Linda Rondan, a registered nurse, who grabbed a towel and wrapped it around his arm. Fawn didn't think that was proper first aid for a burn, so she ran to the kitchen and grabbed a five-gallon bucket, returned to the lodge area and filled the bucket with water from the hose, and then put Lou's arm in the bucket. Fawn said since she still could feel a lot of heat coming off his arm, she ran back to the kitchen and returned with ice. She estimated maybe ten minutes altogether of running back and forth between the kitchen and the lodge area. Ms. Foster recalled that Lou reentered the lodge between rounds six and seven.

Brian Essad remembered that Mr. Caci said he had to leave, and James Ray instructed Lou to go clockwise. But, as Mr. Essad recalled, Lou got confused and went counter-clockwise and placed his hands on the hot rocks in the pit, burning his right hand. Brian said Mr. Caci screamed and then crawled out.

Beverly Bunn recalled that during either round five or six, Lou became disorientated, began crawling out, but crawled into the pit. When he was pulled out, he was screaming. When she finally saw Lou outside the lodge at the end, Beverly said his arm was horribly burnt.

Kristina Bivins, despite her lack of remembering much about her own ordeal after round six, testified that in round five or six, Lou got up and turned so his back was to the pit, and then a man yelled, "Watch out Lou." She said Lou leaned back and got burned. Kristina heard James Ray say to remove Lou and an unconscious woman, probably Ami Grimes. If this recollection is accurate, then Lou exited at the end of round five.

Having exited after round five and recovering outside the lodge, Brandy Rainey-Amstel said after Lou came out, people were freaking out about his hand, and someone got a bucket of ice in which to put Lou's arm. Brandy described big chunks of flesh coming off Mr. Caci's hands and arms, like boils that had burst. She said Lou "was just really stunned or gazed and he was sitting up and he was looking at his hand"; she also said he started to shake uncontrollably and seemed "out of it." Brandy recalled James Ray telling Lou, "Lou, that's going to be a reminder."

Melissa Phillips remembered that when Lou fell onto the hot rocks in the pit, he screamed a horrible scream, and that James Ray said, "Wow, you will have a good reminder of this."

Randy Potter recalled that when he saw Lou crawling towards the rock pit on his stomach, he screamed at Lou to stop, but Lou ended up burning himself. Mr. Potter said James Ray asked Bill Leversee to help the people who needed assistance, and Randy stated that he and Bill helped Lou leave the lodge. When Lou reentered the lodge, Randy said he thought, "What is this guy doing and why are they letting him do this? This guy's clearly got third degree burns; he should be on his way to the hospital. And why isn't James [Ray] saying something?"

More than one participant testified that they were shocked or surprised when Lou Caci reentered the lodge.

Yet no one told inquiring YCSO detectives that anyone thought let alone said, "Why didn't James Ray stopped the entire ceremony the moment after Lou was burned?" or "Why was James Ray's sweat ceremony more important than someone's well-being after being severely injured?"

On Lou's left sat Linda Andresano. The 5'-4" (1.7 meters) Andresano described herself as, "I am a heavy person and I am Italian and I am a nurse and I am kind of grounded." She stated that she wore a long cotton dress that she wears for every sweat she attends because she was taught to wear loose fitting cotton clothing, like a T-shirt and shorts. Linda, a nurse, reflected during her interview with Det. Shonna Willingham, "Once you get on that thermodynamic roller-coaster, it's real hard to come back from that."

She recalled that two people next to her lifted the tarp during one of the first door openings which didn't please James Ray. She remembered that Mr. Ray said, "Is that a flashlight? Turn it off." And she responded to James that people were just lifting the tarp to get some air. She said Mr. Ray said that it was disrespectful and they needed to close the tarp.

Interviewed the night of the sweat ceremony, Linda said she was fine until the sixth or seventh round when she passed out. When she woke up, she found herself outside of the lodge. She said she felt the same way she did back in college when she had done LSD – she felt like she was out of her body.

When interviewed by Det. Willingham 19 days after the sweat ceremony, Ms. Andresano rambled through a descriptive recollection of her experience.

I was still drinking out of my container when I got in line to go in there.

When it started and it was so hot, I went, 'Holy shit. Here we go. It's going to be hot.' And I have been in really hot ones before. And I did everything that I was taught to do, which is dig your fingers into the dirt because the dirt is cool.

I was sitting directly opposite the door, and it was hotter than most sweats that I have been in – more rocks, more water for steam and hotter steam. One time took a breath and it kind of was really hot in my throat, so next time I didn't take such deep breath and covered my mouth with my dress. And then it was just long and it was hot and I was crowded because there were a lot of people in the back where I was. And people had to lie down, if you are hot, if you are really feeling hot, but I really couldn't. I really needed to, but there was a person in front of me that lay back on me [probably Kristina Bivins]. So that actually made it not quite as hard as it was when she laid down in front of me.

And I remember the sixth round, somebody saying, 'Only two more.' And I remember saying, 'Don't say there is two more; we will do another one.' And every time, I have been in the sweat, the people that run this sweats are Native American, they don't like to be told how to run the sweat.

And then I remember getting really sleepy and leaning against the sweat space that was holding the structure up. And then the next thing I remember I

was out of the sweat. I think I was dehydrated, and I think that I had an altered experience in there, because I had been in sweats before where other people have had experiences with these same visions though stuff and lots of stuff. I mean that is not an uncommon thing, that had never happened to me before. And I think that also I just kind of surrendered. I was like, 'You know I can do this, I can do this, I can do this, I can do this.'

I talked to other people from there about that and whether the people they have died went kicking and screaming, whether they chose to leave. Of course I don't know and I don't ever until I see them again and I believe I will. But I don't know why I was unconscious but didn't die. And when I woke up, I definitely felt strange. Well I told the Deputy that it felt like I was drug-induced, it felt like kind of like my body was, I can't describe it, it just felt like my body was like it's very strange, it's very, very odd. When I woke up, the people that were from Angel Valley were just as sweetest could be and were helping me take some drink. And I couldn't speak for a while. I looked at my hands, and they didn't look like my hands. It was very, very strange. And I am a nurse, so I was trying to get my shit together. It was very strange to be on the opposite side of the sheet, so I would not be able to help people. I was like this is weird, this is strange, what the hell. And then I remember saying I am not going to die. And I will never know how much that decided whether I did or not.

Tess Wong sat next to Linda Andresano and remembered being conscious until the sixth or seventh round, thinking "I can do this," and then waking up in ICU. Tess said she knew the goal was to enter an altered state of consciousness.

Before reentering the lodge at the start of round seven, John Patrick Ebert said he helped to drag Tess Wong out of the lodge.

Having exited at the end of round five, Brand Rainey-Amstel testified that she heard Mr. Ray say that whoever was making a loud, erratic breathing noise needed to stop doing so. Brandy said "they found Tess was the one making the noise" and "they rolled Tess over and found that she was foaming at the mouth." The "they" were probably the folks outside the lodge.

After leaving the lodge at the end, Julie Min testified that she remembered Ms. Wong lying beside her on the tarp. Tess laid on her side moaning. Min stated that when Tess didn't respond, she was rolled onto her back, and Julie noticed Ms. Wong was foaming at her mouth. People then began pouring water on Tess and massaging her. She was then rolled onto her side so if she vomited, her airway stayed clear.

When Tess's two roommates at the retreat exited the lodge at the end, they expressed concerns when they found Tess outside. Christine Mattern said that Ms. Wong was foaming at her mouth and she wasn't responding to Mattern's massaging of Tess's feet. Laura Souter noticed that Tess's eyes were partially rolled back, had light foam coming from her mouth, and had mucous coming from her nose. Laura described a couple of people massaging Tess and making sure she was breathing.

Ms. Wong was eventually transported to a hospital.

Sitting probably in front of Tess Wong in the inner circle, Kristina Bivins, on the night of the sweat ceremony, told YCSO officers she wasn't sure why she was in a hospital. She said that her memories were more like a dream. She remembered going into a weird state and thinking she was going to die, a feeling she had never experienced before.

About twenty days later, while being interviewed by YCSO officers, Kristina remembered that the lodge's door was opened for long periods for people to leave and reenter and for unconscious people to be carried out. Ms. Bivins said when she left the lodge, she was in an altered state and was very cold while people around her were giving her water. She recalled she kept repeating she was cold, and eventually the support people gave her blankets. Kristina said that she called for James Ray and that he came, held her hand for a long time, and talked to her to comfort her. She remembered being transported to a hospital by ambulance and being given fluids. By the time she reached the hospital, she felt better but still had a headache and felt very cold. She said her blood pressure at the hospital was approximately 89/47. Ms. Bivins vomited, then ate, and was kept overnight for observation.

Four other folks remembered what Kristina couldn't. Rosemary Senjem stated she assisted a Kristina, who was "really out of it" and asking the same questions over and over again. Beverly Bunn remembered Kristina on the ground thrashing around and screaming, "James Ray, why did you do this to me?!" Brandy Rainey-Amstel stated when Ms. Bivins was pulled from the lodge, she was kicking and screaming. She said Mr. Ray was called over to where Kristina was, but he didn't seem to know what to do. Brandy recalled that he bent over and talked to Kristina.

Dawn Gordon indicated that a young woman who had revealed a childhood trauma earlier in the week was thrashing around after the ceremony had ended, and apparently the master of the ceremony, James Ray, had no idea how to handle this situation.

Shawna Bowen had been invited by her friend Debbie Mercer to help at the sweat ceremony, and Debbie met her at the gate when Shawna arrived at Angel Valley around 5:15 or 5:20 PM probably just after the 9-1-1 calls had been made. Ms. Bowen immediately helped two women with Kristina Bivins who was sitting in a golf cart parked near the lodge area. Shawna said Ms. Bivins asked Shawna to hold her, and Shawna sat in the golf cart and held her. Ms. Bowen described Kristina having a blank stare on her face and saying over and over again, "Why did James Ray do this? Why did James Ray do this? Why did I look to James Ray? Why, why, why?" Kristina didn't appear to be fully conscious, was shaking in fits, and complaining of being cold. Realizing Kristina needed medical assistance, Shawna returned her wrapped in a blanket to the lodge area where the paramedics were. When Kristina was laid on the ground in the lodge area, she kept saying, "I died, I died, I died," and Ms. Bowen kept telling her she was alive. Shawna described seeing raised goose bumps all over Kristina's skin. Then, at one point, Kristina began "screeching" James Ray's name while "contorting her back and doing these weird things." Shawna said the Mr. Ray was about fifteen feet away, but he "just looked over and then looked away."

Paramedics, according to Ms. Bowen, said that they had more critical issues than Kristina, so Ms. Bivins was nursed along by Shawna and others till she was transported to a nearby Verde Valley Medical Center.

Angel Valley owner Michael Hamilton told the YCSO he had never met Shawna Bowen and the "first time I knew she was here was when it was on the news." He tagged that statement with a curious question: "How'd she get in?"

To the left of Ms. Bivins sat Sean Ronan, who, according to his friend Randy Potter, weighed 235 pounds (105.7 kg). Randy initially was sitting two people to the left of Sean in the inner circle near the pit for hot rocks. Sean said he was on his back or belly during the last half of the ceremony because it was hot and he wanted to get air. Since Mr. Ronan was unconscious at the end, he wasn't drug out till everyone who was still conscious had exited the lodge. His friend, Randy Potter, recalled that Sean was very confused and somewhat violent with swinging arms as he regained consciousness. Mr. Ronan remembered being transported to a hospital in the same ambulance with Lou Caci.

Behind Sean Roan at the North Gate was positioned Dream Team member Mark Rock, who was supposed to provide support in what would be the most critical area inside the lodge structure. Mr. Rock believed that for him a lot of heat was blocked by Sean Ronan. Mark testified that, nonetheless, after awhile he could hardly join the chants being led by Mr. Ray and began to focus on breathing and on staying alive. He lay on his stomach with his mouth against the ground from the start of the third round till the end. Mr. Rock stated that his focus was to breathe when he needed to breath and to focus on staying alive. Because the north end wasn't receiving any air when the door was opened, he stuck his hand underneath the blankets and tarps and lifted the coverings so he could breath cool air. Mark started doing this after he lay down in the third round. He indicated that he knew he wasn't supposed to do that because James Ray said it was an abomination of the ceremony, even though Mr. Rock couldn't explain when asked why it was an abomination. Mr. Rock indicated that this was his second sweat ceremony with Mr. Ray and that it had seemed no different the other one he had participated in, the 2008 Spiritual Warrior sweat ceremony.

To the left of Mark Rock sat Dawn Gordon. Dawn thought that around round two she lay down and began to focus on her breathing. She stayed through all of the rounds. Ms. Gordon testified that Mark Rock lifted the coverings along the ground when the door was opened, but she never heard him get admonished for doing so. After they had left the lodge at the end, Dawn asked Mark about his lifting the coverings, and he told her it was a technique he used to let in cool air to breath without disturbing the sanctimony of Mr. Ray's sweat ceremony while a round was in progress – an ingenuous survival technique for the design of both this size lodge and a James Ray sweat ceremony. Ms. Gordon indicated that Mr. Rock failed to share that technique with anyone prior to or during Mr. Ray's sweat ceremony.

Next to Dawn sat Sidney Spencer, age 59, who ran a cattle ranch near Patagonia, Arizona. Fellow participant Linda Andresano, self-described as a large and grounded Italian, described Sidney as being "airy-fairy."

She started the sweat ceremony in a sitting position because it was too crowded to lay down. Ms. Spencer thought she became unconscious in round six soon after the rocks had been placed. Testimony established that Josh Fredrickson, James Shore, and two others pulled Sidney out of the lodge at the end of round seven. She said she was told she was removed by Marta Reis and Melinda Martin, two JRI staffers helping outside the lodge.

Dawn Gordon testified that James Shore helped remove Sidney from the lodge. She noticed that Ms. Spencer had no voluntary movement and believed she was unconscious. When asked if she was alarmed by this, Dawn replied "yes," but didn't know if Sidney's condition was normal or not for this ceremony.

[REDACTED]

After the sweat ceremony had ended, Dr. Jeanne Armstrong said she was asked to look at Sidney because Sidney had some frothy sputum. Jeanne said that while she was doing a sternal rub to see if Ms. Spencer would respond to pain, she heard the call for help over by Kirby Brown and James Shore. Because Sidney had a pulse and was breathing on her own, Dr. Armstrong went to where Kirby and James were. Josh Fredrickson testified that JRI staffer Greg Hartle had administered CPR to Sidney, but testimony didn't establish if that was before or after Dr. Armstrong had been with Ms. Spencer.

The next thing Ms. Spencer remembered was waking up in the ICU at a hospital; she remained for four days at the hospital. The following week after Mr. Ray's sweat ceremony, Sidney informed Det. Wendy Parkison that she was still suffering problems with kidneys, liver, and feeling in her right arm and her left leg; still having blurry vision, headaches, shortness of breath, and fatigue; and experiencing difficulties with her blood pressure.

She said she hadn't felt nauseous and to endure the heat, she had put her head down and mediated. While her mind was working out solutions to some personal issues, she said the heat kind of went away. Sidney testified because of that, the sweat ceremony was amazing for her.

Randy Potter provided an extensive description of his experience during the ceremony. The first four rounds, the 220-pound (100 kg) Potter sat on the north side in the inner row two people to the left of his friend Sean Ronan, which meant he was one of the closest persons to the pit that was off center to the north. Kirby Brown sat directly behind him, and James Shore sat on Randy's right. Mr. Potter recalled not being able to lie down, so he sat with knees up. He stated breathing was difficult at the beginning of the rounds when the water was poured on the hot rocks. During the fourth round, he recalled: "My eyes are burning, I'm uncomfortable, I can't lay down, I'm having a hard time breathing, I feel like I'm about to pass out."

Randy left at the end of the fourth round and recalled James Ray telling folks as they left, "You're more than that" and "You can do this." Mr. Potter said after he had exited and was sitting on the outside, he thought, "There's all these other men that are in there. They're making it through this thing. That was definitely screwing with my head."

He had left at the end of round four when Greg Hartle, Mr. Ray's business development manager, had left. Afterwards, Randy stated he could hear Mr. Ray encouraging Greg to reenter, and when Greg did reenter at the start of the sixth round, on impulse so did Mr. Potter. Randy sat near the door next to Aaron Bennett who was placing the hot rocks in the pit. Randy said that "it was considerably cooler, I could lay down, and when the door opened you got fresh air, you could breathe." As rounds went on and other people reentered, Randy moved further to this left, but said he didn't know if he were in a front or back row "because at that point there was hardly rows left; it was just people laying down." For the last three rounds, he lay on the ground and put his face toward the edge of the lodge because it seemed cooler.

He recalled that people were passing out at the beginning of the sixth round and that he began assisting people who were unconscious or disoriented out of the lodge.

When Det. John Johnson asked Mr. Potter to confirm that he noticed folks passing out at the beginning of round six, Randy replied, "Yeah, I think that would be a fair statement. And you could hear people hyperventilating."

Inconsistent with Mr. Potter's return at the start of the sixth round was his recollection that "when I came back in the fifth round, there was many indications that this thing was not going well with one of them being Lou who crawled into the pit with these hot rocks. He was crawling towards it on his stomach, and I could see him go towards the pit, and I'm screaming at him to stop, and he goes into it, and I continue yelling at him."

Randy also remembered sometime after he had reentered and while the door was opened, someone lifted the tarp on the north side where he had sat the first four rounds. Mr. Potter said James Ray asked, "What's going on?" After being told someone had lifted the tarp, Mr. Ray told them, "Put that down." Randy stated "it was words to that effect, I don't recall exactly what the wording was, the intent of it was put that down."

Towards the end of the sweat ceremony, Mr. Potter remembered hearing people hyperventilating and Mr. Ray "would yell out, 'You need to control your breathing; you need to slow your breath down.'" But Randy said, "It was very difficult to notice what was going on around you because you had to put all of your energy into keeping your breathing under control and focusing on staying calm. At least that's what it was for me."

Det. Johnson asked if anyone gave instructions how to handle people becoming unconscious. Randy remembered Mr. Ray "made the comment if you pass out you'll be taken care of."

Reflecting on the experience, Mr. Potter told Det. Johnson:

The first time when I came out, I was totally thinking there's no way I'm going back in there because my vision was distorted and my head spinning and I just literally feel like I'm gonna die. And that was similar when I came out later - pretty physically exhausted but nothing like it was the first time. The intensity was much greater the first time. The only real effect that carried on was my head was pounding until the following morning and I felt a bit nauseous like I

was gonna throw up but never did.

Kirby Brown sat in the north end, to the left of Sidney Spencer and two people to the left of Mark Rock. In front of them sat Randy Potter, James Shore, and Sean Ronan. Ted Mercer described Kirby, age 38, as being young, maybe early thirties, thin, and in decent shape; he described Shore, age 40, as a really big guy with a pretty big belly. Kirby was single without any children; James was married with three children. A family spokesman of the Browns described Kirby as an avid surfer and hiker who was "in top shape," took self-improvement seriously, and had a passion for art. Having described herself as large, Italian, and grounded, Linda Andresano described Kirby as being "airy-fairy." Andresano said that Kirby wore a two-piece bathing suit to the sweat ceremony. James Shore had been a director of business development at an Internet marketing company in Milwaukee, Wisconsin. JRI staffer Melinda Martin described Shore as being very stubborn and independent, typified by his insisting that he be left to find his own way back after his Vision Quest.

Dream Team member Mark Rock, who was supposed to provide support inside the lodge, said that he did tell James Shore to move back from the pit because the air farther from the pit would be cooler. However, Mr. Rock stated the first time he took notice that Mr. Shore was in distress was when Mark left the lodge at the end and saw James laying on the ground.

Melissa Phillips sat in northeast end and two persons to the left of Kirby Brown the first three rounds. Melissa left and then returned for rounds five through eight, but sat in the east side near her friend, Teresa Grain. Ms. Phillips testified that at one point Kirby wasn't breathing well and had slumped over. Melissa said that she stated that someone needed to help Kirby leave the lodge, but was told to just leave her be. Melissa's testimony inferred that this happened after she had reentered the lodge at round five. Her testimony also inferred that earlier when Melissa was sitting near Kirby and Kirby was saying over and over "We can do it," people tried to get Kirby to leave but she wouldn't.

The night of the tragedy, Det. Wendy Parkison spent four hours interviewing 20 people who had gathered in the dining hall at Angel Valley. One of those interviewed was Dawn Gordon who provided a riveting narrative of round eight in the north end of James Ray's sweat ceremony.

Sitting to Kirby Brown's right was Sidney Spencer; sitting to Sidney's right was Dawn Gordon. Sitting in front of them was James Shore. According to Dawn Gordon, after James Shore helped remove Sidney Spencer from the lodge at the end of round seven, Mr. Shore returned to the Sidney's spot and sat between Dawn and Kirby. During round eight, Ms. Gordon thinks Mr. Shore said something about Kirby, and she and Mr. Shore rolled Kirby over because she was on her back and gurgling. Dawn stated Ms. Brown sounded awful as if she had fluid in her breathing, like a snotty nose and gurgling; Ms. Gordon said it was "alarming." When Kirby didn't respond to being rolled over, Mr. Shore went to the other side of Kirby and tried to turn her again. Dawn described holding Kirby's feet while James Shore was pulling on Kirby's arms so Kirby was no longer on her back and hearing Mr. Shore talking to Kirby as Ms. Brown continued to gurgle. To manage and tolerate the heat themselves, Ms. Gordon said she and Mr. Shore were face down while trying to care for Kirby.

The next time Dawn checked on Kirby, Ms. Brown was lying on her side, and James Shore was facing towards her while propped up on his arm and coaching her along. She said Mr. Shore lifted the tarps trying to allow air to reach Kirby and was requested to close off the light. Ms. Gordon said Mr. Shore asked if Kirby could leave, but James Ray said that nobody else can leave at this time. Dawn thought that James Shore asked for help for Kirby, but Mr. Ray said the ceremony would continue and we have to close the door.

Ms. Gordon said she never noticed that Mr. Shore wasn't doing well. She recalled that he said something about how hot it was and that he was struggling a little. She speculated that James Shore became a victim when he went from being flat to being up and focusing on Kirby and not himself.

Sarah Mercer, 17-year-old daughter of Ted and Debbie Mercer, was aiding at the lodge area. At the end, when her mother asked for help to remove the unconscious folks in the north end of the lodge and no one responded, Sarah said she helped her mom drag James Shore, Kirby Brown, and Sean Ronan out from under the raised tarps. She described the prone and lifeless James Shore as "one real big guy" with purple and blue face and lips. Sarah described a girl sitting besides the big guy and holding hands, but the girl was face down in the dirt. Sarah stated she had to walk away after that.

Dr. Jeanne Armstrong said neither James Shore nor Kirby Brown ever responded to the group effort CPR. She said when she saw them they were full arrest. She said both were a little cyanotic with faces a little dusky which she attributed to having no pulse, not breathing, and having CPR being performed. She said when she took over for the person doing CPR on Kirby, she heard someone say they could feel a pulse on Ms. Brown and that her color was better. Jeanne said she stopped to check and realized the only reason there was color was because she was doing effective CPR.

Suellen Trumbour-Cheney was a registered nurse living on private property that was part of the Angel Valley Retreat and arrived around 5:30 PM to help after Mr. Ray's sweat ceremony

had ended She stated that she thought two people, being Kirby Brown and James Shore, were already dead:

I saw that they had signs that I've seen before in people that are dead. There's a lot of modeling, like a lot of purpley look on their skin, very pale, and on their extremities kind of bluey, purpley. That's a bad sign whenever you see that. Now what that meant in that moment I don't know. But it said to me these people were really in very bad shape.

Suellen moved on to offer help to those with symptoms of struggling to stay alive.

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OUTSIDE THE LODGE

Having left at the end of round five, Brandy Rainey-Amstel remained outside the lodge for the rest of the ceremony. As more and more participants with problems began piling up outside, Brandy recapitulated for YCSO detectives what the JRI support people outside told her as she tried to help those in distress:

What they kept saying was this is your experience. If you are upset, if you are sad, or if you are crying, or if you are throwing out [up], this is your experience. And you just need to experience your experience. Don't worry about anybody else, have the experience you are supposed to have.

An employee of Angel Valley, Fawn Foster provided support on the outside during Mr. Ray's sweat ceremony. The following summary is how Fawn described what she remembered beginning with the end of the first round:

James Ray opened the flap; three people came out, collapsed. Well they didn't get this far off ground; they just kind of crawled out. And his Dream Team members were holding them on their backs to keep them down - 'Stay down, stay down.' I heard several people inside the lodge encouraging them to go back in as well as the Dream Team on the outside encouraging them to go back in. These three people did not want to go back in, so they didn't. James Ray and a couple other people inside the lodge [tried] to get them to come on back in for the next round.

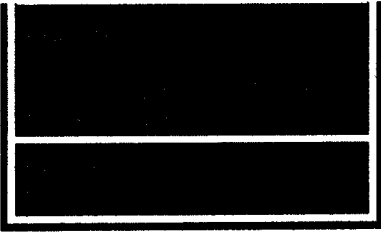
We put in more rocks. And James said, 'Okay, shut the flap.' They shut the flap. However much time passed, they opened the flap up, three more people came out. And again they encouraged all these people to go back in - 'Come on, come on back in here you can do this, you can do this, you are not your body, you can do this, you are stronger than your body.' This is what James Ray was shouting from the door. 'You are stronger than your body, you are not your body, come on back in here, you can do this.' Just encouraging like that. They did not [go back in].

The third and fourth round, one lady [Sylvia de la Paz] that came out in the first round, she was wearing a white bathing suit like thing, started to go back into the lodge, and she got to the door and said, 'No.' And she did that about four or five times, got to the door, and said, 'No.' And I witnessed that two Dream Team members trying to push her back into the lodge, physically pushing her back into the lodge. And I heard Debbie [Mercer] say, 'No, she doesn't want to go, let her go.' And they let her go, and she move around them and ran away.

I know while the flap was opened, I heard somebody say there is three people down back here. And somebody else said, 'Are they breathing?' And I didn't hear the answer to that. I did hear James Ray say 'Leave them there, we have one more round to do, we will deal with them afterwards.' He was sitting right at the door; I was looking at him when he said it.

Debbie Mercer stated that James Ray knew that there were people unconscious inside the lodge before the last round started and that on the previous two rounds she had helped pull out two or three other people who were unconscious. Tess Wong and Sidney Spencer had been dragged out at the end of round seven, and Debbie described those folks having almost blue lips, nonresponsive eyes, and stuff oozing out of their noses. Ms. Mercer recalled that when Mr. Ray was informed that people were unconscious on the north side of the lodge, he said, "Really, are they unconscious?" When the reply was "yea," Debbie thought Mr. Ray said, "They'll be okay, it's the last round," and then, "We've got one more round and they're warriors."

Dream Team member Barbara Waters had been on the outside. When the ceremony had ended and the last able person had exited the lodge, Ms. Waters entered the lodge to gather the tobacco pouches so they could be burned in the fire. She testified that she saw unconscious people still inside and helped pull Sean Ronan out of the north end of the lodge. Since someone else was assisting him, Barbara said she went back into the lodge through the now exposed north end and began to collect the tobacco pouches the individual participants had hung on the inside off the arching wood frame of the lodge. James Ray had instructed his participants that they would burn their tobacco pouches in the fire pit outside the lodge after the ceremony inside the lodge had ended. Burning the pouches would release the intentions



and prayers the individual participants had focused on during the ceremony. So Ms. Waters was making sure those tobacco pouches were gathered up and ready for their ceremonial burning, but she said, "I was having some trouble because they were all kind of tangled up." So she finally went out the south end, walked around the side, and saw that Kirby Brown and James Shore "were being attended to."

In James Ray's Spiritual Warrior sweat ceremony, the tobacco pouches were no longer just symbols; human bodies had become those tobacco pouches, and spirits were being released.

Ms Waters said she noticed that the participant who was a physician, presumably Dr. Jeanne Armstrong, was becoming tired from doing the compression part of CPR on James Shore, so Barbara took over for Jeanne.

THE CEREMONY ENDS

After about two hours, the ceremony inside the domed structure ended around 5 PM. The sun was beginning to set behind the hilly terrain, and the rapidly cooling desert darkness would soon engulf the landscape.

Participant Laura Souter, a hair salon owner, explained to detectives that because she did timed services for her clients, she had a pretty good "clock" inside her head. Her estimate of 10-15 minutes per round concurred with other participants, and she stated that the later rounds seemed shorter than the earlier rounds. Souter's observation is consistent with other testimony that the chanting, singing, praying, and shouting of intentions had ceased in the later rounds as most folks, including James Ray, focused on simply enduring the extreme heat and steam building up from the hot rocks and the fluctuating three to four dozen or so heated, sweaty human bodies inside an impermeable dome enclosure.

Dr. Jeanne Armstrong described the configuration of a sweat ceremony falling apart near its end. She said before the final round, the door was opened for a long time with people coming and leaving and people were yelling to close the door so they could finish. Dr. Armstrong said that final round seemed chaotic with many people talking at the same time. She said she just tried to tune people out, but echoed the sentiments of those shouting for the door to be shut: "I also was ready for it to be done too. So I just wanted it all to be quiet and shut the flap. I wanted to get this thing going."

Many of the participants, if not some of the JRI staffers, realized the seven rounds for the seven chakras had been abandoned. Many realized the mantra had become we can do this, we can overcome this challenge. Some knew that people were unconscious inside the lodge. Yet no one said, "*ENOUGH! Life is more sacred than this stupid ceremony!*" Instead, Lou Caci with a severely burnt hand reentered the lodge, as had two others at the start of round seven and three others at the start of round six, to endure the eighth round of a seven-round extreme endurance test.

After surviving the eight rounds of Mr. Ray's sweat ceremony, Christine Mattern, as she tried to exit, expressed an attitude that prevailed among the conscious participants. She had had enough and just wanted out of the lodge but was being asked to wait because of people being groggy or laying on the ground both inside and outside the lodge: "I was mad; I was ready to be out."

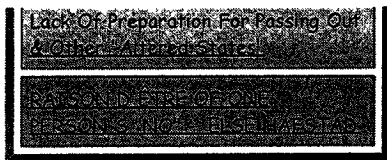
Thirty-nine folks needed to exit. James Ray was the first one out of the lodge following his only-clockwise movement doctrine inside the lodge. People described Mr. Ray emerging, raising his arms, asking to be hosed with water, and then sitting in a chair. Apparently, none of his Dream Team members forced or asked him to lie on the tarps and be hosed with water, as was to be done with participants as they left the lodge. Then the inner circle of folks exited followed by the outer circle. Stephen Ray, as he was crawling out of the lodge, passed out, which prevented others from exiting till he had been removed from the doorway. Four folks failed to exit on their own power – Kirby Brown, James Shore, Sean Ronan, and Linda Andresano – whose bodies were prone in the north end of the lodge and had to be crawled past by others exiting.

Having sat next to James Ray and the door in the south, Megan Fredrickson rendered this narrative of what she experienced when she left the lodge:

As soon as I got out of the sweat lodge, I got hosed down. Melinda [Martin] was helping hose me down, and she was the Event Coordinator and the JRI Team Member who was on staff. And I asked her how is everything and how is everybody, and she's like everything's fine, it's great. And she said something to me like you are a real warrior because I stayed in the whole time I guess.

And then I walked over near where the fire was because Josh was like, 'Hey Megan, come over here,' and he was just sitting on the ground. So there was no signs of anything going wrong or whatever. I was really wobbly, like physically wobbly.

Before round eight had started, Debbie Mercer and Fawn Foster, non JRI staffers, were anxious if not out right panicking about the trauma outside the lodge and with the knowledge that folks were unconscious inside the lodge, yet Melinda Martin, a JRI staffer, told Megan after round eight had finished that everything was fine. Testimonies fail to piece together a clear narrative of what was transpiring outside that lodge among the folks who were providing support – except that those indoctrinated by James Ray all testified they thought his sweat ceremony had been the usual



9-1-1

"9-1-1. Where's your emergency?"

"Angel Valley," came the breathless female response. "Two people not breathing, there's no pulse."

"Is this the result of a shooting or something?" the dispatcher asked.

"No, it's a sweat lodge."

So began a news report by Michael Kiefer and Glen Creno on the October 8 sweat ceremony in Saturday's, October 10, 2009, *The Arizona Republic* published in Phoenix.

Debbie Mercer had run to her residence on Angel Valley and dialed 9-1-1. She had outraced Amayra Hamilton who had run to an office phone and dialed 9-1-1 immediately after Debbie had

According to the Verde Valley Fire District Preliminary Media Release, Verde Valley Fire District Crews were dispatched at approximately 5:19 PM to Angel Valley Retreat, located 6.5 miles south of West Sedona and east of the Sedona Wastewater plant.

Because of the distance and difficult road to Angel Valley Retreat, first responders reached the retreat at about 5:42 PM. The response personnel found people doing CPR on the unconscious victims while other participants of the sweat ceremony were complaining of weakness and dizziness. The two unconscious victims proved unresponsive and in critical condition.

Medics determined the condition of ten of the patients warranted immediate medical attention beyond the response team's capabilities. Four were transported by helicopter to Flagstaff Medical Center, about 30 miles to the north in the city of Flagstaff. Six more people were transported by ground to Verde Valley Medical Center, about 25 miles to the southwest in the town of Cottonwood. In the end, 19 folks ended up at three area hospitals, two of those people being dead upon arrival.

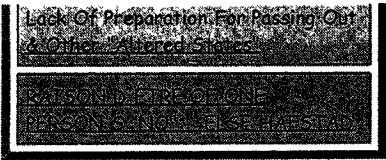
Agencies on the scene included:

- 6 ambulances – 2 Verde Valley Fire Department, 1 Sedona Fire Department, 2 Verde Valley Ambulance, 1 Montezuma-Rimrock Fire Department
- 4 helicopters – 2 Guardian, 1 Native Air (one helicopter came back for a second trip)
- 3 fire engines – 2 from the Verde Valley Fire Department, 1 from Sedona Fire Department
- Camp Verde Hazardous Materials Team
- Yavapai County Sheriff's Office
- Trauma Intervention Volunteers

The Fire District response team finished at approximately 10:27 PM, and the scene was turned over to YCSO.

Besides being described as "the most significant mass casualty event the Verde Valley has ever experienced" from a medical emergency, the incident was further challenged because, as Verde Valley Fire District Chief Jerry Doerksen stated, "There is no cell phone service, none of the victims had identification on them, and they did not know each other."

News reports stated that investigators interviewed 65 people of the 71 on site from the time they arrived until 3 AM Friday. The descriptions rendered by the survivors of James Ray's endurance test portray a desperate, chaotic scene as participants and emergency personnel began to realize that Death was walking away with folks who would never come back.



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JAMES RAY UNDER PRESSURE

The night of this tragic sweat ceremony, Det. Mike Poling recorded an interview with two of the Dream Team members who had been stationed outside the lodge, Barbara Waters and Christine Jobe. Neither was aware that people had failed to leave the lodge at the end. Both said that wasn't true, and Christine explained, "The guy that sits at this end of the thing comes around and makes sure everyone is out of there and they help people come out; they don't leave nobody in there." The double negative in her statement was shamefully appropriate.

The guy who sat at the end was Dream Team member Aaron Bennett. And Mr. Bennett testified that he took a short cut to exit when Mr. Ray's ceremony ended; instead of leaving clockwise and crawling completely around the entire lodge and over or past the motionless bodies in the north end, Aaron left immediately out the door because, as he told Det. Ross Diskin, he thought he needed help before stating: "I actually don't remember what I did."

*And where was the master of this ceremony
who needed to provide oversight?*

YCSO Officer R.C. Bollen filed this report about what he did at the scene the night of the tragedy:

Lt. Parkison asked me to locate James Ray and bring him down to the sweat lodge area. Deputy Sutton told me Mr. Ray was the one in charge of the group and he needed to answer some questions. The owner of the retreat grounds took me to where Mr. Ray was located. He was in his room which was located near the mess hall. Mr. Ray was in the middle of eating, and I told him he needed to come to the site and answer some questions. He asked me, 'Right now?' And I told him, 'Yes, now.' He asked if Joshua was down at the site and if he could answer any questions we might have. He was referring to Joshua Fredrickson. I told him we needed him and asked him again to come down to the site. He put on some pants and followed me part way to the golf cart. He asked if he was going to be answering questions for a while, and I told him he probably was. He then went back to his room and got his jacket. He then went with me to the site where he was contacted by Lt. Parkison.

Josh Fredrickson explained why Mr. Ray had left the scene:

After the EMT's came and everybody was getting taken care of, that's when the sun started to go down, and so I told James to go back to his room and shower up and to get into warm, dry clothes. And Megan and I took turns and ran in and changed into dry clothes because it was getting cold really fast and we were in these wet clothes. And so at that point, [James] went back to his room once the paramedics were there taking care of things.

Having returned to take a shower and then to eat a supper, James Ray was recovering from his self-proclaimed intense, super-hot "sweat lodge."

No matter the tradition, for an eclectic group of mostly novices, a sweatlodge facilitator is the first in and the last out for obvious safety reasons. If a facilitator out of a certain tradition abdicates that role to someone else, then a capable sweatlodge facilitator would have realized both his or her own misjudgment and Mr. Bennett's grave error, and that facilitator would have reacted appropriately. Unfortunately, James Ray, though aware that people were unconscious and being administered CPR, chose to be oblivious of the incapacitated bodies left at the end of his sweat ceremony.

Sgt. Frank Barbaro offered more details on Mr. Ray's behavior. Sgt. Barbaro arrived at Angel Valley at 6:10 PM (1810 hours) that Thursday evening and filed this report:

I started speaking to some of the subjects that were coherent and found out that they had been in a sweatlodge and several of them became ill. As I was speaking with the subjects some of the "Dream Team" insisted that I did not speak to the participants but wanted me to speak with Jason [probably Josh], James Ray's assistant. As I was speaking with some subjects Jason approached me and told me that he could answer my questions. I asked him who was in charge of this event, and he told me James Ray. When I asked him where James was, he told me that he was up at the main building eating dinner. I thought this was interesting since EMS was airlifting and

transporting subjects at this time.

After I was advised that two subjects had died, I requested that Criminal Investigations respond to investigate the matter.

While waiting for the investigators I spoke with James Ray. James told me that he was conducting a seminar and was in the sweatlodge. I asked him who was conducting the sweatlodge, and he told me Ted [Mercer]. I then asked him how many people were in the sweatlodge, and he told me that there were around 40. James told me that the sweatlodge ceremony had lasted for approximately two hours and that he had been inside the sweatlodge the entire time. I had James stay down by the sweatlodge to speak with investigators. Eventually he sat in my car to wait with my door unlatched. At 2022 hours, Lt. Parkinson told me that James had spoken with his attorney and that his attorney advised him not to give a statement.

Lt. Jay Parkison arrived at Angel Valley at 6:44 PM (1844 hours) that Thursday evening. In his report he detailed his involvement:

A male subject was pointed out to me by one of the deputies as the event organizer. He was talking on his phone and standing outside the secured perimeter. I identified myself to the man and asked him to hang up so we could talk. He ended the call, and I started to gather his basic information. He identified himself as James Arthur Ray.

At about that time, Sgt. Barbaro came to our location. I asked subject Ray at about what time the sweat lodge started. Subject Ray told me it ran from about 4:00 PM to 6:00 PM. I asked how many people were in the lodge. Subject Ray told me approximately 40 people. He explained that he has hosted the lodge once a year, and this is the fourth year for the event. I asked him how a sweat lodge works, if there is a source of flame in the lodge or how the heat is produced. He told me the lodge is built on site and that the rocks are heated with a wood fire outside of the lodge in a fire pit.

Due to the demands of the situation, I was needed by fire services. I asked subject Ray to remain in the area so EMS could seek him out if needed for treatment of the medical patients. Ray agreed and remained in the area on his cell phone.

As the situation unfolded, I spoke to Captain Starin via cell phone and advised him on the situation. I also spoke to Sgt. Dan Winslow by cell phone and gave him an update on the incident.

The night was cold and damp due to the close proximity to the creek. A deputy offered subject Ray and others the use of their patrol vehicles for warmth. They were allowed to sit in the rear portion of the vehicles with the heaters running and the doors open.


At some point, I checked on the people in the patrol vehicles to check on their comfort. Subject Ray was talking to his attorney on his cell phone. He asked if I would speak to him. I agreed. The attorney identified himself and told me he was Mr. Ray's attorney. He asked if I knew how much longer we would be in need of Mr. Ray's availability. I told him I wasn't sure. He expressed some concern over Ray's comfort. I assured him we were providing for Ray. We ended the conversation and he thanked me for my time.

A short time later, the scene began to settle and Criminal Investigations arrived on scene. I met with Sgt. Winslow and passed along the information I had. After his briefing I went to the kitchen, located on a hill above the sweat lodge site. Kitchen staff packed four to-go dinners. I gave one to Mr. Ray and the other three I gave to subjects that were in another police vehicle.

During this time, I again spoke to Ray's attorney. He asked me if I knew when Ray would be interviewed. I told him I didn't know. The attorney told me, 'I think I'm going to advise Mr. Ray not to talk to investigators.' I told him that was between him and Ray.


Sgt. Dan Winslow filed this report concerning his observations that Thursday evening of Mr. Ray's sweat ceremony:

At approximately 2240 hours [10:40 PM], Detective [Mike] Poling and I attempted to speak with James Ray while he sat in the back of a patrol unit near the sweat lodge location. We wanted to know if anything was added that might have caused the deaths and illnesses. We had numerous other questions and asked if he would talk to us about the incident. He was cordial but stated that he had been advised by his lawyer to not speak with



us. I asked again if he would at least tell us if there was anything that he knew of that might have been added to the rocks or anything else that might be causing the sickness or deaths. He again replied that he was advised not to make any comments.

Both participants and emergency personnel cited the lack of good cell phone connections at the somewhat remotely located Angel Valley, though Lt. Parkison indicated he was able to communicate with his cell phone. And likewise, Mr. Ray, while in the back of an YCSO squad car, was able to contact a lawyer with his cell phone. Oblivious to the need to call 9-1-1, oblivious to the presence of ambulances and helicopters, oblivious to the need to stay at the lodge area simply to be there with the casualties of his sweat ceremony, oblivious to misstating facts about his own Spiritual Warrior Retreat and sweat ceremony to inquiring deputies, James Ray wasn't oblivious to a need to call his attorneys.



MONEY, PART 2

Did the \$10,000 people paid to attend the Spiritual Warrior Retreat influence how folks reacted to Mr. Ray's sweat ceremony?

Danita Olesen said people paid some "serious coin" to be here and that was a huge commitment.

Describing her reaction after being hosed with water at the end of Mr. Ray's sweat ceremony, Sandy Andretti stated she was dizzy and nauseated, couldn't function, went into shock, started shaking, and felt a numbness all over. Andretti said she began crying and remembering crashes while attending many Indianapolis 500 races and visiting hospitals after those races. She recalled feeling very bad for spending \$10,000 just to kill herself.

Scott Barratt reflected an attitude that motivated more than a few of the participants when he told detectives that he paid a lot of money to attend the retreat and "played full out" to get the most for his money.

Expanding that view for investigators was a participant at the 2007 Spiritual Warrior Retreat, Nancy Ogelvy. The 2007 Spiritual Warrior Retreat had been her third JRI event. Ms. Ogelvy recalled her opinion of Mr. Ray and money:

He still didn't know my name. He didn't even know my fucking name. I am like, are you kidding? I spent \$20,000 with you, and you don't even know my name. You aren't even bothered to remember my name. There's only 60 people here, hello. I mean he was an ass.

And she added: "You are trying to do the best you could do because you are told that if you do it exactly the way you are supposed to do then you're gonna have a better experience. Well fuck, for ten grand you better have a great experience."

Debbie Mercer, who helped her husband with the fire and provided outside support, offered a candid viewpoint of money's influence on the sweat ceremony:

It was too hot, and they weren't prepared. And they didn't want to leave because they would feel like they had failed, especially if you've spent so much money to come here. You don't want to miss out on the graduating. I mean this is like the graduation ceremony. We almost made it.

Linda Andresano voiced an opinion no doubt shared by many of her fellow Spiritual Warrior participants: "It's nobody's business how much money I paid."

Stephen Ray offered another opinion: "There is a lot of people that have a lot of money and emotion invested in him are having trouble, I think, really seeing the truth."

Mr. Ray is quoted by many stating that he wanted to be the first person who does what he does to become a billionaire. And the investigation by the YCSO cut a swath through the entangling landscape of money and entrepreneurship that Mr. Ray had been cultivating with impetuous growth. The depth of detail shared by many portrayed how Mr. Ray's handling of money became more obsessive with his success as a self-help entrepreneur – his marketing tactics, his ratcheting of prices for people to be a part of his program, his no refund policy, his debt, his accumulation of personal property, etc. Extensive and an intriguing story onto itself, suffice to say, this evidence lays out a pattern that is consistent with and contributed to how Mr. Ray's sweat ceremony became tragic. Hope Miller, a former JRI employee, may have summarized it best:

No exceptions, we will not refund money, ever. And we will make you feel as if it's your fault, not ours. They never took responsibility for anything ever, under any circumstances.

When Det. Mike Poling asked Megan Fredrickson why didn't Mr. Ray give a refund, Megan replied succinctly, "James Ray International has a no refund policy."

Limited are the number of certain types of people who would pay \$10,000 for a five-day retreat on a landscape almost totally foreign to them and where a single person is providing seminars and inspiration. Some insight is offered by Tammy Eshelman who, in the mid 2000s, was Mr. Ray's Personal Assistant / Executive Assistant, booked his travel arrangements, and took care of his house and other personal business. She told Det. Ross Diskin.

He didn't lock them in, but he had control over people because these people were probably so broken when they came to him, regardless of the fact that they had money. And he helped them heal and that will help you get credibility with people. He did a lot of good, even if you march people off the edge of a cliff after that just because they're willing to follow you. And you can say, 'Oh they had free will.' They didn't really have free will any more because they absolutely trusted him.

While not speaking for all the folks who paid to attend the Spiritual Warrior Retreat,

participant John Patrick Ebert reflected some of the perspectives folks had of Mr. Ray when Mr. Ebert told detectives that he had learned about James through the book *The Secret* and that James Ray seemed to "be the one."

Beverly Bunn stated that all the participants were really good people who were searching for something they thought they could find with James Ray. She said many people there had things inside them they were trying to let go of. Laura Souter also said the purpose of the retreat was to purge fears and things that were in someone's way.

The separate interviews of Michael and Amayra Hamilton with YCSO detectives portray the inherent tension of managing Angel Valley Ministries and Spiritual Center as a business. There is the relentless conflict between the profound of providing sanctuary for spiritual intentions and the profane of making money. An aspect that has made James Arthur Ray so appealing to many has been his advocating that wealth and spirituality can go hand-in-hand. Harmonic Wealth.

A sad irony vexes this tragedy. There has been no reported financial assistance from James Ray for hospitalization costs of those who survived his sweat ceremony but needed medical attention. Yet there has been little sympathy for folks who have woeful stories of lacking health insurance and ability to pay medical bills, but who paid \$10,000 to attend this five-day retreat.

And the monies Mr. Ray has paid, if he has paid, his legal team to represent him and to create the very expensive and cursory White Paper #1 could have easily paid many of those medical expenses. Yet Mr. Ray claims he is not as financially well off as portrayed by his behaviors. On November 4, a month after his tragic sweat ceremony, Mr. Ray expressed this distress when he put on the market the Beverly Hills home he had purchased for \$4 million in March. Sale price for the home was listed at \$5.4 million.

The presence of money only makes the tragedy more egregious to those who have honored the sweatlodge as a ceremony that only requires someone to bring his or her spiritual sincerity.

Amayra Hamilton stated that when she and her husband bought and began running Angel Valley, they found on the site "this kind of old, leftover sweatlodge." So they decided to build a new one, and, according to Amayra, a "person who was very known in Native American circles helped." And Ms. Hamilton said that once a month or so there would be a sweatlodge ceremony. She described the sweats being "gentle, just nice, the way sweat lodges have to be." Michael Hamilton described for detectives their initial "sweat lodges" were covered with old blankets and used drapes which people brought to Angel Valley when a sweat ceremony took place.

Amayra recalled that when James Ray brought his Spiritual Warrior Retreat to Angel Valley in 2003, he said the existing lodge structure for fifteen or so people wasn't large enough to hold his entire group of paying attendees. He wanted a lodge that could hold 40 some people. She said they wanted to accommodate Mr. Ray and did so.

In 2005, Ms. Hamilton indicated Mr. Ray switched the sequencing of the Vision Quest and the sweat ceremony – the Vision Quest would now precede the sweat ceremony. Some of the participants of Mr. Ray's 2005 Spiritual Warrior Retreat described to detectives an event eerily similar to Mr. Ray's 2009 sweat ceremony. That 2005 sweat ceremony had been a harbinger of the invitation that Death would eventually accept.

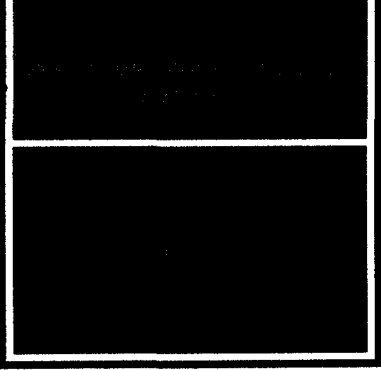
Megan Fredrickson told detectives that the day after the 2005 sweat ceremony, Amayra Hamilton told her that the sweat ceremony needed to change because she didn't want to be put in a position to have to call 9-1-1 again. Megan then talked about a phone conversation after that 2005 event between James Ray and Michael Hamilton discussing how to build a structure big enough to fit 75 people.

In 2007, Michael Hamilton recalled that James Ray complained he couldn't get it hot enough inside the existing lodge structure because it was too high. Mr. Ray's assistant, Megan Fredrickson said of this assessment of not hot enough by Mr. Ray: "I don't remember him being upset; I would never describe it as upset. But being like, 'Man, I just couldn't get it hot enough in there, that dome was really high'."

Since Mr. Ray had complained that he couldn't get it hot enough inside the structure, the Hamiltons decided to use a plastic tarp. Amayra defended such usage because "it's done everywhere." No – it isn't done everywhere. But she did correctly note that "the person inside determines how hot you go and how the people are doing and how they are feeling" – something she falsely assumed about James Ray as a facilitator.

Then in 2008 the Hamiltons hired David Singing Bear, a Cherokee elder, to give advice on how to rebuild the lodge to fit Mr. Ray's expanding design needs. Although Singing Bear didn't build the lodge, Amayra wasn't sure if the person who did was or wasn't a nephew of Singing Bear. The General Manager of Angel Valley at the time, Gary Palisch, had contacted Singing Bear for the Hamiltons and collaborated the Hamiltons' information about building a new lodge structure which was used for both the 2008 and 2009 Spiritual Warrior Retreats.

Amayra Hamilton related to detectives that when in 2007 James Ray voiced the need for a larger lodge in 2008 to accommodate close to 60 Spiritual Warrior Retreat participants, she told James, "Sixty people – that is a monster of a lodge. How can you do a lodge with sixty people and have an overview of what's going on? I mean how do you do that?" Amayra



didn't offer any remembered response from Mr. Ray to her doubts; instead, the Hamiltons built a larger lodge to accommodate their best paying customer. During the YCSO investigation arose reference to money problems at Angel Valley. Whatever those problems might have been, there had to have been financial motivation for the Hamiltons to agree not only to build a lodge structure that Amayra knew exceeded safety limits of any traditional sweatlodge, but also to host Mr. Ray for just one more year.


True to any economic enterprise, money trickles down.

Michael Hamilton described hiring Ted Mercer to tend the fire for James Ray's sweat ceremony. Mr. Mercer told Mr. Hamilton he wanted \$100 more to tend the fire because the tending took longer with Mr. Ray. So Michael and Ted agreed on a \$400 fee to put the blankets and tarps on the lodge structure, to build the fire, to heat the rocks, and to help at the ceremony.

Beyond the \$400 for a service rendered came gratuity. Randy Potter stated that James Ray instructed the participants to tip the person heating the rocks, and Randy indicated they all gave the guy three to five dollars as they went into the lodge. Ami Grimes reaffirmed Mr. Potter's statement that Mr. Ray told them "it was customary to bring like a couple dollars, if we could each bring a couple dollars with us because we would like to make a donation to the guy that was building the lodge."

Despite the Mercers' reservations of helping with yet another James Ray sweat ceremony, Debbie rationalized why they did: "I didn't really want to be a part of it, but when you need money, you know. We'd done it before, so we thought it'd be okay." Ted echoed his wife's reasons for again helping Mr. Ray, despite concerns: "The only reason that we did the sweat lodge is because I haven't worked in a year, and they pay be pretty good money. But other than that, we would have not done it this year because I know that people should have gone to the hospital in previous years."

The Mercers should have stayed true to their honor and respect for traditional sweatlodges. Fees for consulting, building, participating, rendering services, and even tips – none have any role in traditional sweatlodges.



LACK OF PREPARATION FOR PASSING OUT & OTHER "ALTERED STATES"

For any traditional sweatlodge, the following conversation is ludicrous. The questions were based on common sense; the responses on denial, which can so easily corrupt our human perception of reality. It is an excerpt from the interview by Detectives Ross Diskin and Mike Poling on January 14, 2010 with James Ray's main assistant, Megan Fredrickson, whom Mr. Ray positioned to his right during his sweat ceremonies. The dialogue has been edited for clarity.

Det. Poling: If James Ray makes the comment people are gonna pass out, as a member or team member, what does he tell you your responsibility is to these people when they pass out or if they pass out? So for instance someone in the back passes out; what's your responsibility? How do you know that they've passed out?

Megan: I think there's a lot of the community dynamic. If someone to pass out who's next to a team member, the team member would drag them out, help them get out. There's other people help too, so if someone had passed out next to Josh, as an example, he may say, 'Hey, help take this person out.'

Det. Poling: But are you told if they do pass out to get them out or to let them be? That's what I want to know. Are you instructed to go in and drag them out once they become unconscious, or are you told to let them be? What is your role as an employee?

Megan: My specific role as an employee again is different from others.

Det. Poling: Does anyone have the role of taking these people out of the lodge?

Megan: Yeah, there's specific Dream Team members. [For 2009] It was Josh and then Mark Rock and Liz Neuman. So it has to be someone whose on the inside who can help pull people out. They're there to be the anchors.

Det. Poling: So they're told that if someone passes out, you go in there and you drag them out. Is that the game plan?

Megan: Yes, their role is to help get the person out of there, and it may mean they say, 'Hey, this other participant could you help me take this person out,' or whatever. Josh can tell you his experience, but he helped several people get out of the lodge in the years that he's been there.

Det. Poling: If that's a responsibility, if people are passed out, is anyone really paying attention to these people and if so, who is it? You know, it's dark.

Megan: Josh and I were in charge of telling people what to do, and we had a meeting that morning and we have certain points of what each of us would say.

Det. Poling: And in your meeting, you're instructing your people to look for people that are passed out and get them out if they passed out. I don't think that's happening.

Megan: We would tell them if there are signs of duress or someone asks for help, then to help them out

Det. Poling: And how do you know that they're in distress and passed out in this atmosphere that's dark; even with the flap open it's still probably pretty tough. I'm assuming, tell me if I'm wrong, that it's hard to see what people are experiencing because there's a lot of people. Are you guys that are responsible personally looking at each one, saying this guy's fine and that guy's fine? Oh my God this one's in distress, we gotta go take him out.

Megan: No, no I mean I really, in my experience it's a very communal experience, and there's people who say...

Det. Poling: You're saying it's the responsibility of everybody around then, if I'm hearing you, right?

Megan: Yeah, that's always how it's been. That's always been the atmosphere or if people are in duress, in the past, they've said so.

Det. Poling: It's hard to be (Inaudible) when you're unconscious.

Det. Diskin: When you said if somebody in this room [where the interview was taking place] was in that state you would see that as a problem, but coming outside of the sweat lodge you don't see it as a problem for somebody to be unresponsive. Therefore I'm assuming something happens inside the sweat lodge that causes somebody to have that reaction. Is that correct? In other words, in here there's nothing that would cause us to be unresponsive, but in a sweat lodge you said that that isn't a problem because they just came out of the sweat lodge.

Megan: Right. To me that's my understanding of the sweat lodge.

Det. Diskin: What causes that? What causes somebody to be unresponsive?

Megan: I don't know.

Det. Diskin: You don't know? Do you think that would be important as the Director of Operations to know why people are well you say not unconscious but unresponsive as their coming out of the sweat lodge?

Megan: I, I think it could be important, and I always just believed in, in James saying this could happen as a result of the sweat lodge and...

Det. Poling: So basically you're going off of faith of what James says?

Megan: And my experience of the lodge.

Det. Diskin: The only lodges you've attended are James Ray's.

Megan: Yeah.

Det. Diskin: So you wouldn't know if this is normal? In other words, in other sweat lodges if somebody was like that they'd probably take them to the hospital, but you wouldn't know.

Megan: I wouldn't know that, no.

Based on testimonies, James Ray and even some of his support staff talked about participants experiencing vomiting or possibly passing out or feeling like they were dying during the sweat lodge ceremony. Testimonies indicated that participants could expect to go into an altered state, to take his or her own journey, to have his or her own experience. Yet, even though the JRI waiver that participants had signed warned of possible serious injuries including death, James Ray had nothing organized to respond and treat any of the physical reactions or altered states which he envisioned his participants could or would experience and which had the potential to be life-threatening given the right combination of stress-induced exhaustion from the retreat's activities and an individual's body type and personal history.

Despite Mr. Ray's very vocal boasting that his lodges were hotter and more intense than any traditional sweatlodge, neither he nor his staff had any sort of medical response ready for such likely dehydration cases. Providing water through a hose, bottles of energy drinks full of electrolytes, and slices of oranges and watermelons outside the lodge doesn't qualify as a medical response to heat stroke or hyperthermia. Having a nurse, Lisa Rondan, as a member of the Dream Team who were providing support outside the lodge, was a coincidence, not a plan as confirmed by testimony from JRI employees and simply reinforces Mr. Ray's lack of understanding what were the potential consequences of his extreme endurance test.

While the lack of basic safety around the sweatlodge site didn't contribute directly to any deaths, the management of the site reflected the ignorance that did. Dousing with hoses, especially with plastic tarps scattered upon the site, created a slippery, dangerous area around a large bed of hot embers and unused rocks Ted Mercer had created in the fire pit. Having hot, sweating folks lying on plastic tarps with pooling water around them is detrimental if the threat of heat exhaustion or hypothermia is overwhelming them. Telling and forcing around forty folks to lie on the ground as they emerged from the lodge – which Mr. Ray wasn't forced to do

– created a bottleneck and unmanageable situation at the end of the ceremony as disoriented, depleted people sought relief from inside the structure, not to mention the resultant delay in responding to the folks who were unconscious. Moreover, some of the help, like Aaron Bennett, Liz Neuman, Mark Rock, Josh Fredrickson, and even James Ray, were severely compromised by the endurance test for which they were supposed to provide assistance.

THE RAISON D'ÊTRE OF ONE PERSON'S "NO" - ELSE HAFSTAD

After all the analysis and composing a narrative of this botched sweat ceremony, I wish to close with the following testimony given the Yavapai County Sheriff's Office by participant Else Hafstad. I have edited her verbal testimony for clarity.

I arrived at the Angel Valley a little late, so I missed the introduction that James Ray had. He must have said something that motivated everybody to have their heads shaved. And so I went up and watched the last two people who were having it done, and they asked if I wanted to do it. And I said it doesn't mean anything to me, it doesn't do anything to me to shave my head, so I didn't do that.

There were four of us that didn't [shave our heads], then there were three of us, and then there were just two of us, and he would look right at us and smile. It's group pressure, and I thought, "Why would I do it now? Is it because I feel like he is making fun of me or does it mean something to me to shave my head?" And I said it doesn't make any sense, it doesn't give me anything to shave it, the only reason why I do it now because I don't want him saying this to me anymore. So I thought, "No, I am not going to do it." And I know a couple of those girls were shivering and scared about having their hair cut off and they were going to die if they didn't. And then when they did it, they stood in front of him gleaming like, "See. Did I do it?" And I felt like gees, they stand there like little girls getting an acknowledgment or something.

Then everyday it just occurred to me, even that last day, the girl that died [Kirby Brown] had had that long hair, and then she was one of the many girls that just they went out and did it in the break. And then they went straight up to show themselves to James Ray for some kind of an approval, and he would have everyone cheering, "Oh, that's great." And I thought, "That's what you get; you get that ten seconds of cheering, and then you sit there with your head shaved." I just didn't see the whole value of it for myself. I am always a little wary of group pressure, and it looked like it and it felt like it. And the theme was to go beyond where you have ever been before, so I thought, "Why am I not doing this?" Ultimately you are responsible to know your own body and your own limits.

And I thought people were being pressure to do stuff. That whole event was different than the two other ones that I had gone to. It felt like a lot of pressure.

And no one was told that we were going to do a sweat lodge after [the Vision Quest], so I don't think all of us really tried to hydrate like crazy when we got back. And I hardly ate anything because I have never been without food and drink or water for that long, and I was just drained from bleeding so much that I figured I don't have anything to go on. But I was also a bit pissed at James because he knew there were a couple of very obese women and men there and also one with that blood pressure problem, and he should have warned people somehow that you are going into very extreme heat and just go in cautiously. And instead, I had two roommates that were, "I feel nauseous" and "I feel scared" and all that stuff, and I thought, "Then why do you go in there?"

I mean you can be spiritual but it has to be a little bit practical and grounded too.

I just didn't think it seemed safe because he explained that he had the hottest sweat lodge that he ever done before. And the roof was lower than it had been before, and I knew it was about sixty of us. And he explained that you probably had to be prepared to crawl on your hands and knees because you couldn't stand up in there. I am an engineer, so I just thought safety is one of my areas and I just didn't think it seemed safe. And then we had just done about 36 hours without food and water, and I was on my period and had kind of been complaining that I had never bled so much in my life. I was dehydrated to start with, and I thought to go in there, I wouldn't even last five minutes. So I just didn't think it was right, and I didn't think it seemed safe. And so I just decided I wouldn't go.

[Before the sweat ceremony] I actually went to [my] tepee, and my two other roommates were getting ready and all nervous and all that. And I just sat down on the bed and said, "Do I want to do this?" And so I just asked myself if it's right for me, and I just felt like no. And then, "Why would I do it? I would be dizzy in there, and what am I proving? Nothing really." And so I just thought, "No, it's not safe, it's not going to be good for me, I am not ready for it. I am totally dehydrated. And I am

bleeding like crazy. So what good could it do."

My thing was I didn't go there [sweat ceremony], and I felt guilty about not having gone. And so I sat there and struggled with not having done it and all that, and I felt kind of silly at that. It wasn't right for me and that's what I knew, but I should have spoken up.

I am a single mother of two children, and that was also one of the reasons why I didn't want to take a risk in that lodge because if anything happened to me, then it would have been very irresponsible and selfish I thought. There's nothing I could experience in there that would excuse that.

This is a story that can be told over and over, but never explained. Three people are dead because of this story. How they died is fairly self-evident. Why they died isn't.

A timeless intrigue of this tragedy can be portrayed by the moments between the Vision Quest and the eight-round endurance test of a bogus sweatlodge. Up to those moments, while there had been some risk, none of James Ray's activities had or probably could have overwhelmed anyone. But the same inherent flaw that Det. Mike Poling had sensed as he conducted investigative interviews Else Hafstad had realized in those moments between the events.

Ms. Hafstad sensed the danger and responded using the very principles most traditional sweatlodges move through – find clarity of perception, formulate a response, resolve emotional sensibility, and respond with integrated action. Yet when she presented that resolve to her two roommates who felt scared and nauseous, they responded with blind faith in James Ray. Why?

The clarity of common sense flared up and presented itself to two anxious people but couldn't spark the light of good sense in either one. Why not? Why didn't one of Else's roommates pause, sense the clarity of Else's perception, formulate a response, find emotional sensibility, and then respond likewise with a "no." If two roommates had decided "no," then why not the third one also? And if three Spiritual Warrior participants had presented themselves to James Ray and his gathering clients and said they weren't going to rush into this crazy and intense "sweat lodge," would more have responded likewise?

What caused everyone to chase after the fanciful impressions Mr. Ray had conjured for them? Money? Ego? Pride? Brain-washing? Broken souls? A cult and its cult leader? The eternal and insatiable human thirst to reach some unattainable state of existence?

In the moments between the Vision Quest and James Ray's bogus sweatlodge, one person had the insight and the will to say "no," and the others didn't. Explanations abound, but can never fully explain "Why?" That quality of being human shall always be a mystery.

Douglas Sundling
P O Box 58
Bluffton IN 46714
cell phone: 260-273-9607

5 February 2010

RE: Spiritual Warrior mock sweatlodge ceremony

Detective Ross Diskin
Detective Mike Poling
Yavapai County Sheriff's Office
255 E Gurley Street, First Floor
Prescott, Arizona, 86301

Detectives,

On the afternoon of October 9, 2009, while driving, I heard a short news blurb on National Public Radio about two deaths in a sweatlodge in Arizona. As soon as I could, I accessed the Internet and began following the news stories posted by the various news outlets of Yavapai County and *The Arizona Republic*. By the end of October, I was anxious to read the YCSO investigative report that was projected to be done in December. In January, I received copies of the subsequent late December release of interviews, and yesterday I finished reading the last of the interviews. This has been compelling reading of this complex and tragic story. I didn't want to write this letter till after reading what the initial investigative report. Today I learned of the arrest of Mr. Ray on manslaughter charges.

Penny from the County Attorney's office indicated that the two of you were the lead detectives. Find enclosed a booklet that summarizes how I prep participants for any sweatlodge I facilitate. The booklet is free to anyone who asks for it. My initial sweatlodge was in the autumn of 1986, and I have been actively involved with sweatlodges ever since. That some charlatan would botch a sweatlodge ceremony has been a long-standing concern among many of us in the sweatlodge community.

My booklet might offer a contrast to how Mr. Ray prepared his participants for the sweatlodge, how he conducted the sweatlodge, and how some of the safety aspects were or weren't addressed.

From my perspective and experience with the sweatlodge, this Spiritual Warrior ceremony wasn't a sweatlodge ceremony. Rather, it was a mock sweatlodge ceremony -- or *imitation* or *simulated* or some other similar term. Almost all the news reports in October referred to this incident as a "simulated sweat lodge ceremony," which I thought was extremely insightful, though the headlines dropped the "simulated." Approaching from that viewpoint might allow a more concrete piecing together of how a sequence of negligence and recklessness created this tragic outcome from this mock sweatlodge ceremony, an outcome that was avoidable if the basic tenets of a sweatlodge had been followed.

Let me try to create a frame of reference. A "traditional" basketball game would involve one basketball court, one basketball, two goals, 10 players, and 3 referees. Now let's quadruple this to accommodate the 8 final teams for the annual college basketball tournament: make the basketball court the size of 4 basketball courts and have these 8 teams totaling 40 players along with 12 referees playing with 8 goals and 4 balls.

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Okay, maybe 2 goals and 1 ball – eliminate the need for more than one game. Is this a *basketball game* or a *simulated basketball game*? The traditional game has evolved rules and styles of play, coaching, and refereeing that create an enjoyable sport to play and watch – and to do so safely. To quadruple this format creates the need, just for safety reasons, for a dramatic adaptation of rules, play, coaching, and officiating. That is similar to what Mr. Ray did with his mock sweatlodge ceremony: he quadrupled the size of the structure, the number of participants, and the number of rocks while neglecting the inherent dynamics of a sweatlodge ceremony that have evolved within the traditional sweatlodge design.

To create this mock sweatlodge ceremony, Mr. Ray borrowed from the Plains Indian sweatlodge paradigm. The most prevalent type of sweatlodge nowadays is based on this paradigm which was described by Black Elk as recorded by John Epes Brown in *THE SACRED PIPE: BLACK ELK'S ACCOUNT OF THE SEVEN RITES OF THE OGLALA SIOUX*. I would echo what Lance Giroux stated about Mr. Ray's use of the Samurai Game: "It sounds to me like what he did was an unauthorized variation on the patient of the game which he shouldn't have" (Supplement #081, Poling I/V). As evident in your interviews, Mr. Ray enjoys creating variations of the various activities he has engaged over the years in order to create a self-help product he can market and sell. There is nothing wrong with that – that is how innovation and advancement happen, evident in the positive testimony of many of the folks you have interviewed. It is also how failures happen, especially with an age-old tradition based on elements that will not change with contemporary technology or thinking.

Whether 2000 years ago or hence forth, the sweatlodge design associated with the Plains Indian provides an optimum interaction of the various elements involved. The ceremonial structure that has evolved with this type of sweatlodge structure differ from other types of sweat ceremonies, such as those that evolved with the wood enclosed sauna of Finland or the adobe encased sweat lodges of some Native American cultures of the American Southwest which use impermeable materials. The use of "breathable" materials such as hides, blankets, and canvas allows this particular sweat ceremony in a sweatlodge to breathe and to do rounds. The traditional size of this covered dome, 10-14 feet in diameter (3 to 4.3 meters), is small enough to allow cool air to penetrate throughout the inside when the door is opened between rounds while the "skin" (the coverings) of the lodge can breathe. The physics of a larger domed structure, such as the one used at Angel Valley, inhibits circulation of cooler outside air between rounds through an opened door into the heated inside air. Adding to this larger sized structure a couple of layers of rip-stop plastic further inhibits the breathing dynamics of a traditional sweatlodge and creates a very different dynamic for a sweat ceremony. Also, this traditional size limits the people inside to a group the facilitator can safely monitor. The comment by Barbara Waters reflected this dynamic: "It is kind of like when an event ends and the doors open there's a mob of people come out. So we had a group of people coming out all at once" (Supplement #099, Poling I/V). The testimony in the interviews over and over again reinforces how the size of the group overwhelmed the capacity of the facilitator and his staff to take care of them even though, as the testimony affirms, Mr. Ray repeatedly emphasized his "sweat lodges" were hotter than any one else's.

For a frame of reference concerning size, consider this. Early news reports indicated that the Spirit Warrior lodge was sized at 415 square feet, 53 inches high in the center, and 30 inches high on the edges. A circle approximately 23 feet (7 meters) in diameter would create about 415 square feet. This Spiritual Warrior Retreat sweat lodge structure could have fit snugly inside a typical two-car garage which is 22 feet by 22 feet. Now imagine having the 11 starters of 5 football teams (say 1 professional, 2 college, and 2 high school) form 2 circles inside that 2-car garage with round corners and a ceiling about 4 feet high. Imagine a 3-foot wide door that is about 3-foot high opened for 5 to even 10 minutes. How much outside air do you think would reach into that crowded 2-car garage area, let alone to the side opposite the door? A traditional sweatlodge structure could fit inside a normal, contemporary bedroom that is 12 feet by 12 feet. Imagine the starters from 2 basketball teams – throw in the referees for camaraderie – huddled in a circle in that bedroom with rounded corners and a ceiling about 4 feet high. Imagine a 3-foot wide door that is about 3-

foot high opened for just 5 minutes. How much cooler, drier outside air do you think would penetrate that space and be felt by those folks inside that crowded bedroom area?

Given the detectives doing the interviews are novices trying to figure out how a sweatlodge works, your questions asked during those interviews were very good.

Asking for the comparison of this mock sweat lodge ceremony to a sauna is a valid way to begin to comprehend the nature of a sweatlodge, but I would echo what Sean Roan said. he wouldn't compare the two because in a "sauna, you are sitting comfortably on something in a nice spa like environment... [the sweatlodge is] something totally different, it's just totally different" (Supplement #098; Willingham I/V). The sweatlodge and the sauna both spring from the universal human development of vapor or sweat ceremonies, but nowadays the two are very distant cousins of each other. Comparing the sauna and the sweatlodge may be like comparing American football and soccer or cricket and baseball.

Asking if Mr. Ray or any of his staff were or seemed "professional" in regards to their staging this mock sweatlodge ceremony might be construing an inappropriate picture. The sweatlodge is not a service to be priced and bought. That was the main reason Martin Luther nailed his so-called 95 Theses to the door of the church in Wittenberg, Germany - to challenge the Pope papacy charging for indulgences. Beyond the expenses of facilitating a sweatlodge and asking donations to cover said expenses, there is no basis for any money let alone profit being part of a sweatlodge. Framing any sweatlodge around the ethics of capitalism undermines the spiritual sincerity essential to a sweatlodge - and endangers the participants to forces beyond the communal well-being essential for a sweatlodge. Hence, there are no "professionals" out there. There are very capable folks who can facilitate sweatlodges, but charging a for-profit fee to participate in a sweatlodge disserves the intent of the sweatlodge - the chief point of contention most have with Mr. Ray.

Mr. Ray claiming he could conduct a sweat ceremony might be akin to a Cessna pilot claiming he can fly a commercial airplane because he has observed others doing it.

This is no codification of what a traditional sweatlodge should be, nor could there be for the sweatlodge or any form of prayer or supplication to the Divine. Easily someone could point at a sweatlodge ceremony I facilitate and label it a mock sweatlodge ceremony. But there are fundamentals the defects and errors in the Spiritual Warrior sweat ceremony concluded a sequence of events to test limits, unfortunately beyond what 3 people could live through; this particular sweat ceremony wasn't a sweatlodge ceremony.

I shall continue to follow this story, and thank you for your ongoing efforts to investigate and detail it.

Take care.

Bob Swain

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County Attorney
2 YCAO@co.yavapai.az.us

3 Attorneys for the STATE OF ARIZONA

4
5 IN THE SUPERIOR COURT OF THE STATE OF ARIZONA

6 IN AND FOR THE COUNTY OF YAVAPAI

7 STATE OF ARIZONA,

CAUSE NO. V1300CR201080049

8 Plaintiff,

Division PTB

9 v.

TWENTY-FIRST SUPPLEMENTAL
DISCLOSURE BY STATE OF MATTERS
RELATING TO GUILT, INNOCENCE,
OR PUNISHMENT

10 JAMES ARTHUR RAY,

11 Defendant.
12

13
14 Pursuant to Rule 15.1(a) and (b) of the Arizona Rules of Criminal Procedure, the
15 Yavapai County Attorney's Office hereby files the following material and information within
16 its possession or control relative to guilt, innocence, or punishment, and further notifies the
17 defendant(s) that said material and information is either typed on this form, is attached hereto
18 and incorporated herein by reference (**) or is available to the defendant(s) for examination
and reproduction at the office of the Yavapai County Attorney (****) or has been previously
provided to defendant (**), or to be disclosed upon receipt (****)

19 1. The names and addresses of all persons whom the prosecution will call as
20 witnesses in the case-in chief and or rebuttal, together with their relevant written or recorded
statements:

21 NAME ADDRESS STATEMENT

22 MEDICAL PERSONNEL

23 (1) Butch Ignacio	Guardian Air 6639 S. Piper Lane Flagstaff, AZ 86001	See report previously disclosed at Bates No. 2593-2596
24		
25 (2) Joel Swedberg	Guardian Air 6639 S. Piper Lane Flagstaff, AZ 86001	See report previously disclosed at Bates No. 2593-2596
26		

DEC 03 2010

- 1 2. All statements of the defendant and of any person who will be tried with him:
- 2 3. All then existing original and supplemental reports prepared by a law
- 3 enforcement agency in connection with the particular crime with which the defendant is charged.
- 4 4. The names and addresses of experts who have personally examined the
- 5 defendant's or any evidence in this case, together with the results of physical examinations
- 6 and of scientific tests, experiments of comparisons, including all written reports or
- 7 statements made by them in connection with this case:
- 8

Name	ADDRESS	STATEMENT OR REPORT
Matthew Dickson, DO	South West Emergency Physicians 2400 South Avenue A Yuma, AZ 85364	CV and PowerPoint on Heat Illness Bates No 5669-5683 ** Will testify as to identification and medical treatment of heat related illnesses
Douglas Sundling	P.O. Box 58 Bluffton, IN 46714	Letter dated 2/5/10; Booklet "The Sweatlodge An Interpretation," 5 th Ed. Copyright 2009, Bates No. 5684-5704 ** Will testify as expert on Construction of sweat lodges, sweat lodge ceremonies; role of sweat lodge facilitators and helpers
- 18 5. A list of all papers, documents, photographs or tangible objects which the
- 19 prosecution will use at trial or which were obtained from or purportedly belong to the
- 20 defendant(s):
- 21 6. A list of all prior felony convictions of the defendant which the prosecution
- 22 will use at trial:
- 23 7. A list of all prior acts of the defendant(s) which the prosecution will use to
- 24 prove motive, intent, or knowledge or otherwise use at trial:
- 25 8. All material or information which tends to mitigate or negate the defendant's
- 26 guilt as to the offense charged or which would tend to reduce his punishment, including all
- prior felony convictions or witnesses whom the prosecution expects to call at trial:
9. The results of any electronic surveillance of any conversations to which the
- defendant was a party, or of his business or residence:

Office of the Yavapai County Attorney

255 E. Gurley Street, Suite 300

Prescott, AZ 86301

Phone: (928) 771-3344 Facsimile: (928) 771-3110

- 1 10. All search warrants that have been executed in connection with this case:
- 2 11. The identity of any informant(s) involved in this case (if the defendant is
- 3 entitled to know this fact under Rule 15.4(b) (2).
- 4 12. Other:

5 DATED this 2nd day of December, 2010.

6 Sheila Sullivan Polk
7 YAVAPAI COUNTY ATTORNEY

8 Sheila Sullivan Polk

9
10 COPY of the foregoing mailed
11 December 2nd, 2010 to:

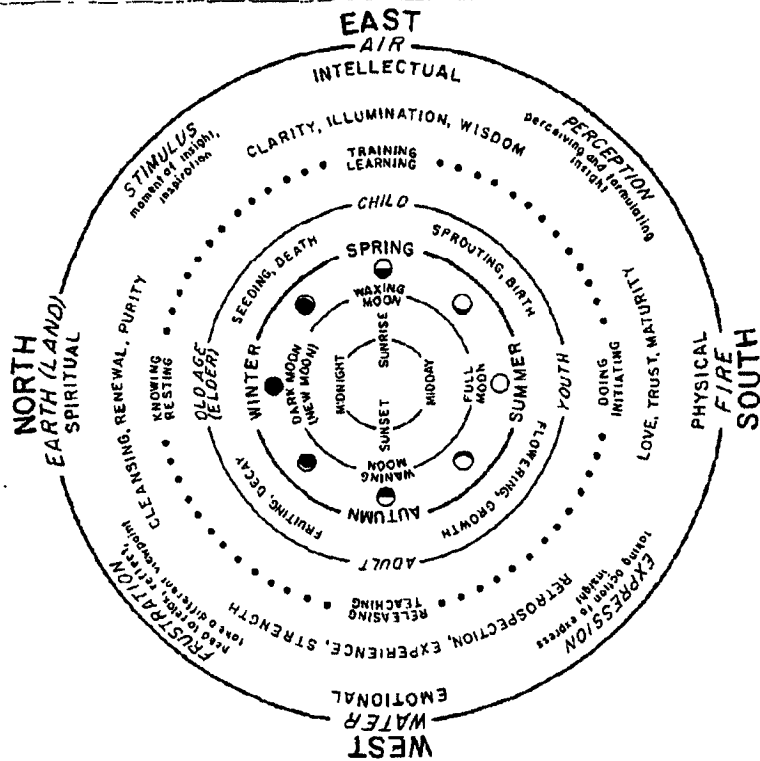
12 Thomas Kelly

13
14 By: Kathy Durrer

THE SWEATLODGE

AN INTERPRETATION

DOUG SUNDLING



There is no one way "to do" a sweatlodge.
 No one tradition has a monopoly
 on the truth of the lodge.
 But there are basic underlying principles
 that do not change.
 It is wise to listen and learn from others,
 yet, ultimately,
 the lodge teaches you what is appropriate
 for your relationship with the sweatlodge.

*This information belongs
 to the sweatlodge experience
 and should be shared appropriately.*

*Use discretion
 and exercise
 your own spiritual freedom.*

INTRODUCTION

Sweatlodge. A ceremony of transformation, of renewal.

Universal across our planet and the ages, sweat or vapor ceremonies have been diversely expressed within different cultural contexts for many purposes – from seeking peace of mind or cleansing of the body to preparing for a major life event or trying to heal a devastating disease or to giving thanks. The sweatlodge invokes more than a *sweat*. It offers a spiritual relationship that can deepen and mature with aging, rather than being a one-time or occasional event.

There is no one way "to do" a sweatlodge. No one tradition has a monopoly on the truth of the lodge. But there are basic underlying principles that do not change, though they can be diversely engaged. It is wise to listen to what others share about their experiences with the lodge or their learning from a particular tradition; but ultimately, the lodge teaches what is appropriate for the cultural context we each live within.

The knowledge I have of the lodge I prefer sharing at an idle sweatlodge site and then letting people learn what is appropriate for them from their sweatlodge experiences. When I have tried writing down what to say about the sweatlodge, the notes have always swirled and turned in circles, resisting a well-ordered, outlined linear presentation. What can you trust that is in writing? Even I am constantly revising this very text. I hough written language frames expression within limits, I hope what I describe is concise yet provoking, informative yet imaginative while staying true to the spirit of the sweatlodge. Despite what I may write, more can be said that I don't know. This written dialogue offers no codification of one of the oldest and most enduring ceremonies that has accompanied the human spirit.

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SPIRITUAL SINCERITY & FREEDOM

Spiritual sincerity, not allegiance to any doctrine or religion, is essential for participation in the sweatlodge and is the ageless thread binding past with present. Being comfortable with the dynamics of the sweatlodge creates a harmony for what is a ceremony of, by most standards, suffering and endurance.

Individual freedom in belief is woven with conventional ritual methods. These two interweaving dynamics – sincerity of the participants and respect for the core principles of a sweatlodge ceremony – allow for divergent spiritual perspectives to come together within the ritual conventions of the sweatlodge. This is a fundamental canon of the sweatlodge – rather than dictate or regulate how you believe, ritual should provide the means to access the Divine and should respect your relationship with the Divine. Ritual and detail shouldn't trap but should help you engage your prayer.

The sweatlodge wraps its participants with opposites: the warmth and security of a womb and the suffering and ignorance of extreme heat and darkness. Being part of a ritual that is timeless while being part of a ritual that exposes your weaknesses and mortality. Your weaknesses can be exchanged for strengths. Your sense of disarray can be exchanged for harmony. Your illness can be exchanged for health. To successfully mix such dynamics requires spiritual sincerity and understanding of the basic fundamentals of creating a sweatlodge ceremony. Anything goes begets randomness which the universe will organize into a circular path. Growth, insight, or enlightenment isn't random.

Social solidarity rather than ritual orthodoxy characterizes the history of the sweatlodge. Mutual support and shared experiences of being in a sweatlodge to pray or be cured override adherence to a specific belief system. But this doesn't mean anything goes; conventions of time and place limit what is acceptable, if the facilitator or participants don't.

Who I am influences how I react to the lodge and how I offer guidance to others, but the sweatlodge isn't some extension of personal aspirations. I serve the sweatlodge, and the lodge reciprocates. I try to let the lodge guide me, which means understanding "communications" that come in many different forms that are not in English. Like other aspects of life, the more one uses a language the better one becomes at understanding its subtleties.

I serve not only the sweatlodge, but also those who come to the lodge to engage the profound. If you want to experience wilderness, I can guide you onto a path, or you can follow me; but I cannot make you experience wilderness. You have to engage that relationship. So it is with the sweatlodge. I help create a conduit in this profane world through which the profound – the Divine – can be experienced. I cannot make you experience the Divine; you have to engage that relationship yourself.

The sweatlodge provides opportunity to engage your spiritual ideals and desires and then to go forth and act on them. To walk your talk. And like the sweatlodge experience, those ideals and actions are determined by the individual, and each individual determines how to fit those actions into the conventions of that individual's culture – be it by conforming or by rebelling.

THE BEAUTY OF THE SWEATLODGE

With what we consider mundane elements is built a very simple (crude in modern terms) facility, which creates space for the emergence of the "profound," the sacred. Gathering the materials for the lodge - picking stones, cutting saplings, buying jute or cotton twine, selecting blankets and other covers, gathering and cutting firewood - and then building the lodge and the subsequent fire to heat the rocks: all these acts fashion the lodge experience. Acts to create the lodge are part of a sacred rite rather than just grunt work to get another job done. Building a lodge is a commitment of honor and service.

A sweatlodge ceremony is shaped by both the past and the present:

- by certain conventions that are remarkably consistent no matter the time and place and
- by what each participant says and does during the ceremony.

Thus no two ceremonies are the same - similar but different.

The four basic elements of Earth (Land), Air, Fire, and Water are brought into immediate and intense state of transformation which infuses the participants with the power of that transforming. And the transforming of those elements is always different due to shifting temperaments of weather, elements, and participants.

INS & OUTS OF THE SWEATLODGE

Cultures usually have used the sweatlodge as a ceremony

- (1) to cleanse;
- (2) to heal illness (which backfired with North American Indians with European introduced diseases such as TB and small pox);
- (3) to initiate or conclude other ceremonies;
- (4) to petition or give thanksgiving.

For many cultures with and climates, the sweatlodge was very practical - a small amount of water could clean several bodies. The religious humbleness of many cultures is symbolized by a simple sweatlodge frame and ceremony - a church with little room for verbal or materialistic pride or eschewing impurity.

The most prevalent type of sweatlodge nowadays is based on the Plains Indian paradigm for a sweatlodge, the most well-known description being the one by Black Elk as recorded by John Epes Brown in *THE SACRED PIPE. BLACK ELK'S ACCOUNT OF THE SEVEN RITES OF THE OGLALA SIOUX*. The physical structure back then, now, and long before back then remains consistently standard with adaptations as needed for prevailing conditions. Typically, the physical lodge is made by sinking tree saplings in the ground and then curving them inwardly and tying opposite poles together to form a dome. One simple construction method is to set two poles and create gates or doors for each of the four directions, to the East and the West, to the North and to the South; four diagonals are set to add strengthen. Other saplings or branches encircle these poles as reinforcing rings to stabilize and give rigidity to the structure. Natural fiber twine is preferable to tie together these saplings. I have used the rambling roots of raspberry plants to tie together a lodge. An appropriate diameter is about 10 to 14 feet (3 to 4.3 meters) with a height at the center of 48 to 54 inches (1.3 meters). It is large enough for one circle of up to 12-15 people, depending on body types.

Blankets and canvas (especially old tents or sails) have proven to be the best coverings for the lodge. While I have seen the use of plastic tarps and carpet remnants, I avoid them. As in any time and place, you make do with what you have to manifest the skeleton and skin for a lodge.

Whether 2000 years ago or hence forth, this design provides optimum interaction of the various elements. The type of ceremonies that developed with this type of sweatlodge structure differ than other types of sweat ceremonies, such as those that evolved with the sauna of Finland or the adobe encased sweat lodges of some Native American cultures of the American Southwest which use impermeable materials. The use of "breathable" materials such as hides, blankets, and canvas allows this particular sweat ceremony to breathe and to do rounds. Four to five rounds, often to honor the 4 directions or 4 elements, have proven to be the most appropriate type of sweat ceremony for this domed sweatlodge design. The size of this covered dome is small enough to allow cool air to penetrate throughout the inside when the door is opened between rounds. The physics of a larger domed structure inhibits circulation of cooler outside air between rounds through an opened door into the heated inside air. Moreover, this customary size limits the people inside to a group the facilitator can safely monitor and still faithfully serve both the sweatlodge and the people who are engaging the ceremony.

Such a lodge can represent the womb of Mother Earth. Darkness within it can represent the darkness of our minds -- the fears, the insecurities we must face in order to live a balanced life.

Crawling into lodge can be symbolic of returning to Mother Earth and to the womb. Before crawling in, I ask participants to pause at the entrance to honor their return to the darkness and to say, "All my ancestors," or the such. We are acknowledging without everything that has happened before us, we would not be here to partake in this lodge -- or life. Participants usually sit in an upright fetal positions inside the lodge.

Though there are no set rules for such movement, I prefer that a group of participants crawl into the lodge sunwise and then exit counter-sunwise. As a facilitator, I want to be the first one in and the last one out -- I am responsible for everyone's well-being and need to be in the lodge whenever anyone is inside.

Participants can be naked or choose clothing that is comfortable; loose fitting cotton clothing is usually best. If the sweatlodge ceremony is coed, certain traditions insist on clothed bodies to keep minds focused without distractions. This is a ceremony of a spiritual -- not a sexual -- return to the womb.

The sweatlodge is not an endurance test; it is a ceremony of transformation. At any time during a sweatlodge ceremony, if a participant wants to leave the insides of the sweatlodge structure, he or she should speak up. When a participant says something to communicate a need or problem, I pause the ceremony, and the issue is addressed. Pauses don't stop a sweatlodge ceremony, they are part of the ceremony. If a participant leaves, I request that he or she remain by the fire under the care of the fire tender till the ceremony is over. This allows the person to ground and to remain a part of the ceremony to its conclusion.

Usually, but not in all traditions, the fire tender and lodge facilitator move as they need within the sweatlodge area in order to serve the lodge; participants avoid crossing the path between the fire and the lodge and move in a sunwise direction (clockwise). This behavior honors the sacred space, doesn't disrupt the energy flow being created, and keeps us conscientious that this isn't where we can behave with a "I want; therefore, I do" attitude.

A self-centered sense of controlling fate inhibits the magic of the lodge. If you try to control the way the lodge affects you, you are always confronting forces beyond your control. Bad magic. Bad vibrations. The sweatlodge ceremony is a dance to invoke transformation -- you bring sincerity and trust to participate with very old ritual conventions of a fluid ceremony.

HOW TO PREPARE

The sweatlodge experience begins when you choose to participate in a sweatlodge, usually demarked by your contact with the sweatlodge facilitator. The mental and spiritual commitment has been made, and the first steps toward the actual ceremony have been taken.

Fasting helps prepare you for the sweatlodge. Fasting is an act of altering, and your body soon begins to recognize that fasting is a signal some sort of transformation is about to occur. Fasting can be simply avoiding solid foods for a few hours or for a day or more prior to a sweat. Fasting can include eating cleansing foods like fruits and fruit juices. If your gut is free of any substances, you are more receptive to the ceremony of the sweat. A food-free stomach eliminates having a second fire burning inside you as the fire of the sweatlodge burns outside you.

It is important that anyone who participates in a sweatlodge brings something to give to the sweatlodge. You are taking from the lodge and need to give in return. Western culture is basically a one-way relationship of always taking, especially from Earth, with little, if any, consideration for giving. Some traditions ask you give something to the sweatlodge facilitator. In Native American tradition, tobacco is usually offered to a facilitator and/or the lodge. Remember that food offerings attract ants.

Your sincerity is the most important thing you can bring to a sweatlodge.

No metal. No contact lenses. If you don't understand why, the intense heat will teach you quickly. Remember the body is always seeking equilibrium. But the mind must learn to bend and yield and accept the intensity of the transforming heat, much as we often have to bend and yield and accept the forces of life we have no control over. Also, remember that cool air is at bottom rear of lodge.

People with heart disorders, diabetes, or other serious internal affliction should consult a physician for a medical opinion in regards to participating in an experience of intense heat. These folks usually are more conscious of their limitations and more sensitive to how they are experiencing the sweatlodge. While I always ask about medical conditions and prescription drug usage, each person needs to evaluate his or her own situation and to let the facilitator of the sweatlodge ceremony know of any medical conditions or use of prescription drugs.

The issues of coed lodges and whether to allow women on their moon into lodges create disparities. Some traditions ban women on their moon. The explanations argue menstruation is corruptive in the sweatlodge or is sacred and powerful enough to be separate from the cleansing power of the lodge. Since I have no experience with being a woman and menstruating, years ago I queried a medicine woman who has taught me a lot. She gave me her explanation. She was honored when a woman on her moon was a part of the lodge and believed the lodge was blessed. I believed in the sincerity of her response and figured she knew more about the issue than males preaching that women on their moon shouldn't be allowed inside a sweatlodge. Use personal and cultural discretion.

If a sweatlodge is held at night, watching the fire perform its magic while massaging your spirit is a wonderful way to prepare for the subsequent sweat. If family and friends who have done sweatlodges together compose the group of participants, the behavior around the fire and during the ceremony might include humor and socializing. If the group of participants is eclectic without any intimate social bonds, then experience has taught me that quietly letting the fire massage their spirits is best. Chit-chat does little if anything to help an initiate prepare for the intensity of his or her first time sweatlodge ceremony.

SWEATLODGE AS GROUP EXPERIENCE

Contemporary use of the sweatlodge has drifted heavily toward using the ceremony for healing purposes, often as a place to unload a lot of psychological baggage. Be realistic about such a healing process: years of therapy cannot be compacted into a one-session sweatlodge. The sweatlodge is not a garbage pit, but a place to experience transformation and renewal, to help you further along whatever path you are on or seek to be on. For someone to pour out his or her problems and then leave after a round or two is irresponsible towards others in lodge. For anyone – participant or facilitator – to use an eclectic sweatlodge of strangers for personal exorcising usurps the sweatlodge's power. Sweatlodges for that particular processing need to be so organized and to have the appropriate people inside and outside to support such a ceremony, as should be sweatlodges to initiate or conclude a ceremony or individual quest.

I ask that folks avoid cursing – either directing negative energy toward something or someone or the generic cursing, like God damn it, fucking, shit, etc. Part of the transformation of facing one's own self is learning how to use and using language that is more exact and perceptive, not just convenient clichés or idiomatic phrases that easily substitute for words and thinking that require more effort.

"I'm tired of this shit" doesn't identify the problem or your relationship to the problem or problems, other than to be a generic expression that you are upset. Face your problems, weaknesses, blessings, or strengths and identify them with as exact language and symbols as possible.

Your desire simply to participate in a sweat is enough; you don't have to bring problems or complaints. But the sweatlodge is usually a group experience; hence, be prepared to share and carry what others bring into lodge. As with any intense group experience, the appropriate convention is that what happens in the lodge remains with the lodge.

SYMBOLS & SACRED TOOLS

Symbols help define our relationship with the Divine. We each bring symbols to a sweatlodge ceremony – those chosen from our own life's experiences and those culturally induced. Some are temporary, some are firmly fixed in an individual's perspective of life.

Your relationship with the Divine, like all relationships, is a function of time and place. Life is a process, a creative process. Does that mean everything is relative? There are fundamental relationships that don't change. Earth, air, fire, and water are holy because without any one of them we don't have life. Everyone is an apex of the directions – in front of you, behind you, to your right, and to your left: North, East, South, West. Plus the heavens and sky above and the earth below. How we express our relationship to those 4 elements, those 4 directions, and being a bridge between the sky and earth is relative to time and place.

Tobacco, blue corn, sage, sweet grass, cedar, frankincense, myrrh, etc. – there are no specific ordained herbs or other plants to grace the sweatlodge ceremony, save those that are appropriate for the individual participants and the context in which the ceremony happens. Placing tobacco or blue corn meal in the holes made for each pole of the lodge, smudging the emerging lodge or the finished sweatlodge site with sage and sweet grass, casting holy water in a sunwise direction around the site, strategically positioning flags or prayer ties on the site – the cultural context and the participants determine what materials and acts of honor to use and how symbols can be integrated into the ceremony.

FIRE TENDER

Fire Tender. Fire Tending. Fire Keeper. Rock Carrier. Carrier of the Rocks. Carrier of the Grandfathers.

Fire tending is a ritual within a ceremony. A ceremony of building and carrying fire. A ceremony of solitude and service. Fire tending is a commitment of honor and service.

Traditionally, a fire tender has three core responsibilities.

(1) Build and Tend the Fire.

- constructs wood fire in which rocks are placed and which will heat those rocks
- lights and tends the fire
- ensures that an adequate fire keeps the rocks hot during the ceremony and that a bed of embers greets the participants at the end of the ceremony

(2) Carry the Rocks.

- extracts with (usually) a pitch fork from the fire one rock at a time free of embers
- cleans and blesses rock as directed by facilitator or tradition
- carries rock with pitch fork to lodge and aids facilitator in placing rock in center of lodge

(3) Provide Assistance During the Sweatlodge Ceremony. A fire tender is a caretaker, provides security, and regulates traffic.

- Above all, a fire tender is the caretaker for the sweatlodge ceremony.
 - The fire tender opens the lodge door when necessary, provides water for rehydration during the ceremony, lends to people who leave the lodge early, and takes care of group before they enter and after they exit the lodge.
 - The fire tender should keep everyone - those who leave the lodge early and those who finish the lodge - at the fire till they are "grounded" before allowing them to leave

- The fire tender should be able to administer necessary attention if a person exhibits signs of exhaustion or dehydration.

- The fire tender is the anchor in the outside world for those experiencing transformation within the sweatlodge, the person awaiting others when they leave the darkness of the lodge to reenter the world outside.

- A fire tender is a guardian and security for the site.
- The fire tender greets and if necessary confronts others who aren't part of the sweatlodge ceremony and who approach or enter the sweatlodge area.
- The fire tender enforces any necessary restraints or expulsions of unruly participants within the sweatlodge ceremony, usually at the direction of the sweatlodge facilitator.
- A fire tender regulates traffic during ceremony.
- Outside the lodge, the fire tender directs or reminds participants the appropriate manner in which to move through the sweatlodge site.

If a fire tender has any questions, he or she should ask the facilitator, and a fire tender should remind the facilitator of something if the fire tender thinks the facilitator has forgotten it.

To prepare for the ceremony, a fire tender must be discerning about what to eat or may want to fast. No alcohol or drugs prior to fire tending. Fire tending is a dance, so a fire tender must determine appropriate apparel -- boots, leather gloves, jeans, shorts, T-shirt, whatever, or even no clothes or shoes. Extra equipment needed might include rain gear, matches or a lighter, a flashlight, a water bottle.

*Be prepared to serve the lodge:
the lodge will not disappoint you.*

BUILDING THE SWEATLODGE. Place 2 saplings to mark the east gate and 2 saplings to mark the west gate. Tie the saplings together to form the beginning dome-like structure. Place 2 saplings to mark the south gate and 2 saplings to mark the north gate and tie these opposing pairs together. Place saplings at the 4 diagonals to form land, air, fire, and water and tie these together. To solidify the dome structure, tie 2 to 3 horizontal rings of saplings to the arched pairs of saplings. Symbolic of the circle(s) of life, the horizontal rings bind the lodge together and make it stronger. The saplings should be tied together with natural fiber like cotton twine or jute. If willow saplings are used for the structural poles, the bark stripped from those saplings can be used to bind the structure. Canvas (large old tents or sails) and cotton and wool blankets are the best materials for coverings.

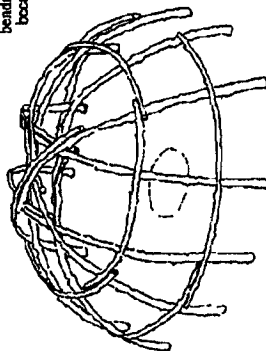
The saplings form the skeleton -- the bones -- of the lodge. The covers become the skin. The height of the structure is usually stomach to chest high.

The center of the lodge represents the center of the universe, the source of life, and all the ancestors who have passed before us because all life returns to the source to be renewed (recycled) just as we do in a sweatlodge ceremony. And the center is where the fire of the hot rocks will burn like the flame of life.

After digging the pit at the center of the lodge, I use the length of the shovel to mark the diameter of the lodge. I lay the tip of the shovel on the outside edge of the center pit and then mark each pole location at the end of the shovel's handle. The ensuing lodge is large enough for a person to sit in a crouched position between the stone pit and the wall of the lodge.

I sprinkle Indian corn meal while making the sweatlodge space (tobacco is often used for this). Cut a sapling and leave some meal. Make a hole for the poles of the lodge and sprinkle corn meal in the hole. Dig the pit, align the fire pit and dust it with corn meal. Mold the altar, life line, and crescent and dust them with corn meal. When gathering rocks for the sweatlodge, leave corn meal I raise the Indian corn and grind it, now I sacrifice it as a gift in honor of what I take to make the lodge. It is gift of sacrifice because that corn will never grow another cob of corn for me nor will it ever feed me.

Sometimes the floor of the lodge is lined with sage. I have used lush, long stems of wild mint in a lodge to create a purifying, aromatic floor. Sometimes cedar chips are used. Sometimes thick burlap is tacked on carpet remnants to sit on.



The dirt dug out to create the fire pit is scooped to make the life line that leads from the fire pit toward the lodge and to make the crescent around the back side of the fire pit, like the crescent of a moon.

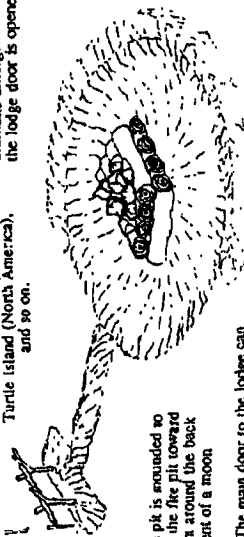
The main door to the lodge can open to any of the 4 directions, depending on the tradition and the site. A door that opens to the east, toward dawn, is symbolic of a beginning, as when leaving the womb.

If two forked sticks are erected in the altar, various items can be laid across the two sticks or against a stick laid horizontally between the forks of the two sticks. If a pipe is used, usually it is propped against such a horizontal lying stick with the bowl of the pipe on the altar and toward the door of the lodge and with the mouthpiece against the stick and toward the sky. This position is symbolically rich enough to encompass many intents. The sweatlodge is a universal ritual, the pipe is very particular to the North American primal mind.

Born of the fire and pressure of earth, volcanic and igneous rocks are the best at holding the heat, and not breaking apart from the heating and cooling. Heating and cooling sandstone or limestone teaches you how cement is made. Using rocks that contain quartz teaches you something else. Quartz is solid liquid, and when cold water hits hot, solid liquid, the quartz may explode.

Just as trees (deciduous) shed their leaves but grow them back, so humans do likewise through the seasons of death and renewal. The saplings that have given their lives so we can have a lodge remind us of this cycle. Willow is a favorite to use because it bends easily (physically and symbolically) and because willow saplings can take root and grow.

The dirt dug out to create the center for the rocks in the lodge is mounded to make an altar representing the Mother Earth, the turtle who supports Turtle Island (North America), and so on.



The configuration of the fire pit, life line and altar can symbolize a turtle. It can be phallic as it points to the opening in the womb-like lodge. It can be yin-yang of light & dark, of open & closed, of consuming & releasing, etc.

When the sweatlodge space is no longer needed, the rocks should be dispersed in a reverent manner, the lodge (including tobacco, altar sticks, and gifts brought to the lodge) should be burned in the fire pit, and both pits should be filled. The physical space is returned to as it once was, but the spirit of the sweatlodge goes forth in those who have participated.

Gifts which participants bring to the lodge are placed on the altar or life line. Anything placed on the altar or life line becomes part of the lodge and, thus, can be empowered by the sweatlodge ceremony.

FLAGS, ROBES, and TOBACCO TIES are often present at sweatlodges. A **FLAG** is a marker (usually cotton cloth) for a spirit -- the spirits of the 4 quarters of east, south, west, and north (and sometimes center); the spirits of the 4 elements of earth, air, fire, and water; and so on. A **ROBE** is a piece of cloth in which one places tobacco or another sacred herb, the tobacco receives one's prayer and allows the spirit to which one prays to enter this finite robe, and the tied cloth wrapped around the robe is like any other living being -- the sweatlodge is like any other living being. Similarly, a **TOBACCO TIE** is a small amount of tobacco inside a bit of cloth. Often, people tie their tobacco ties to the inside skeleton of the lodge.

Rocks that no longer can serve the sweatlodge can be piled upon the crescent. This honors the rocks and helps make the fire pit more efficient at burning a fire and retaining heat. A fire pit located to the east of the lodge is symbolic of dawn. A fire pit in the west is symbolic of sunset. Some sweatlodges place the fire pit in the south, the directional quarter for fire. Aligning the fire pit with the main door of the lodge creates a direct line of travel for the spirit traveling from the male into the sexually symbolic of the spirit traveling from the male into the womb of the female -- first, the spirit of life, penetrates the womb of Mother Earth. This alignment also provides a dramatic emergence of light penetrating the shifting mist when the lodge door is opened between rounds and at the end.

THE FIRE

The following method for building the fire is inspired by Black Elk as recorded by John Epes Brown in *THE SACRED PIPE: BLACK ELK'S ACCOUNT OF THE SEVEN RITES OF THE OGLALA SIOUX*.

- 8 logs are selected
- 4 are laid east-west for East, Air, West, and Water
- 4 are laid north-south on top of these for South, Fire, North, and Earth
- Stones are stacked one-by-one on top of 8 logs in pyramid fashion, placing each in honor of a spirit, usually beginning with the Great Spirit, then the 4 quarters, the 4 elements, Mother Earth, Father Sky, and then at the discretion of the facilitator and those building the fire.
- Wood and kindling are pyramided around the rocks and 8 great logs to form a tepee-like configuration.
- A ring of logs is placed around the fire, and those logs can be added to the fire as it consumes the initial pieces of wood.
- The east, south, west, and/or north gates of the fire are prepared with kindling which will begin the fire.

Symbolism is universal enough to serve many meanings, and such a fire burns efficiently. The fire isn't a campfire; it is a fire to serve the lodge - to prepare the rocks and to prepare and serve the participants. A "male fire" begins the fire - a tepee or pyramid type fire to quickly generate heat; and a female fire extends the fire - the oven-like heat generated by embers.

It is best to "build down" a fire through the ceremony. At first, the rocks are kept covered with wood and flames, and the dancing, vibrant, active flames engage the participants with the ceremony. After rocks are placed in the lodge for the first round, the remaining rocks should be covered with enough wood to keep a flame over the rocks. With each succeeding round, just enough wood should be placed to keep a gentle flame burning over the rocks. Initially, the flames and burning wood heat the rocks; after the first round, the embers heat the rocks, not the wood and resultant flames. Building down a fire also means pacing the size of wood placed on the fire: pieces that aren't thicker than $\frac{1}{2}$ to $\frac{3}{4}$ of the length of a finger should be used as the ceremony progresses past the first or second round. A good knowledge of the type of wood and its duration to burn to embers should guide the pace of fueling the fire.

A bed of glowing embers is very effective to conclude a lodge. Embers provide a calming, comforting, soft fire with which to ground. Heat off embers is more effective for drying off skin. And there will be no need to wait for wood to burn down into embers after the sweatlodge ceremony is finished.

AVOID USING TREATED WOOD AS FIREWOOD. One of the main reasons this type of sweat ceremony has remained so safe despite its propensity to be intense is the consistent use of natural materials that avoid introducing human made chemicals and their side effects into the ceremony.

THE FOUR ELEMENTS

In this ceremony, all the elements must be transformed: wood yields to fire so this invisible force can transmit its power into rocks which yield their fire to water which becomes steam and stops at our skins, but the invisible forces of fire in the steam penetrate our Earth composite shells, renewing that invisible force of life within us.

EARTH. Within the lodge, we breathe in Earth's rich, humid warmth generated by steam off rocks and perspiration of hot human bodies as we give back to Mother Earth her blood in return for renewal of energy.

AIR. We experience the preciousness of air, learning to cooperate and not compete, as hot rocks heat the air which both participants and rocks must share inside the lodge.

FIRE. The fire represents the life force that burns in all of us. Rocks bring fire into lodge, into the womb of Mother Earth - an accurate recreation which science later rediscovered to be the make-up of Earth.

WATER. During the ceremony, water moves like the spirit of life that is always flowing and renewing everything. Water, which is lower than all, is stronger than the rocks and fire.

A spiritually oriented sweatlodge becomes a synagogue to pay homage to the four directions, to the four elements, to the four seasons, to Mother Earth, to Father Sky. A synagogue to give some of our blood of Earth - water - back to Earth. A synagogue to listen to the Creation. To honor and celebrate being human while sacrificing the clamor and prejudices of being human. The sweatlodge clearly encourages a very different behavior than what subversive submitting of worshiping does.

TIME & THE SWEATLODGE

The duration of a sweatlodge depends on the behavior of the elements and participants. Sweatlodges serve needs to pray, to seek counsel or instruct, and to share wisdom and stories. Each lodge is different because no two lodges embrace the same mixture of elements and people. My sweatlodge experiences have varied from lodges dominated by novices who react in various ways to their complete vulnerability to the darkness and heat and their own thoughts and feelings to lodges composed of children to lodges with veteran participants who understand how to tap into the transforming power of the sweatlodge and create an intense and thoroughly enlightening experience. For some people, one or two or three rounds of a four- or five-round sweat is the extent of their sweatlodge experience. The lodge and your own body will tell you when you have had enough. The sweatlodge is not an endurance test; it is a ceremony of transformation. Your transformation (or inability to yield to it) may occur before the final round is finished.

For me, our traditional sense of "time" evaporates during a sweatlodge ceremony. Time with the sweatlodge, like with life, is both linear and circular. There is a beginning and an end, and between there is a relentless cycle of time. Is reality that *there is a beginning and an end*, and that *time is cyclical* is illusionary? Or, is reality that *time is cyclical*, and that *there is a beginning and an end* is illusionary?

Cycle of birth and death fuels the flame of life. Life's fire can warm or burn us, infuse or consume us. Life is not static; the one constant in life is *change*. Nature is a process of seeking stability and equilibrium - a process of maintaining balance, as one does within a sweatlodge ceremony. It is a process that is timeless.

INIPI - A WAY OF LIFE

Our English term, *sweatlodge*, focuses on the physical act of sweating due to extreme heat. The Lakota term for the sweatlodge ceremony, *inipi*, focuses communally and personally on the *ni*, that intangible force -- breath, spirit, or life force -- that cleanses, strengthens, and gives balance to one's life. The *inipi* is about the renewal of the *ni*. Many cultures past and present embody this concept, such as *Aikido*. *Aikido* is a martial arts one practices through stylized and coordinated movements, using mostly bending and twisting techniques applied to the wrist, elbow, and shoulder joints. The focus of *Aikido* is balance by training to control the flow of *ki* through one's body. The *ki* translates to mean the life force of the universe, and when *ki* is combined with *do* (the way) and *ai* (union), *Aikido* translates to "the way of union with the life force of the universe." Again, that is a rough English translation, but offers a similarity to understanding the word, *inipi*. The *inipi* causes a person's *ni* to expel what makes him or her tired or causes disease or disrupts inner balance. It strengthens the *ni* which can then cleanse the person and renew one's life force.

The *inipi* is more than conventions and tradition; it is a way of life.

SWEATLODGE & HALLUCINOGENS

Many justify their use of drugs or other altering agents with the sweatlodge as a way to enhance their vision questing and transforming. Exercise personal and cultural discretion -- and common sense. For me, the power of the sweatlodge comes from the transformation of the four basic elements; I don't use the sweatlodge as a vehicle for some other altering agent. And just from a practical point, if you consume a beer or smoke a joint, the lodge finds it and extracts it out of you -- and not gracefully.

That is the magic (and potential threat to some) of the lodge: you cannot hide something from the lodge; the lodge finds whatever resistance there is and pulls it out for you to face. The sweatlodge requires you to be honest with who you are, not who you think you are or who you pretend to be. Having to face one's fears and limitations can be very intimidating.

The sweatlodge is a dance: if you step on the toes of the ceremony, don't be surprised if you stumble or the ceremony steps on your toes. We don't control the sweatlodge; we dance with it. If you seek inner balance or renewal of your life force, the sweatlodge demands honesty and sincerity.

MEDICAL/FIRST-AID

Dehydration is loss of water and important blood salts like potassium and sodium. Dry skin and fatigue are usually signs, but those may be camouflaged on a person emerging from a sweatlodge.

Signs of Dehydration.

- Mild. thirst, dry lips, slightly dry mouth membranes
- Moderate: very dry mouth membranes, sunken eyes, skin doesn't bounce back quickly when lightly pinched and released, light-headedness.
- Severe. all signs of moderate dehydration, rapid and weak pulse (more than 100 at rest), cold hands and feet, dry and cool skin, rapid breathing, blue lips, confusion, lethargy, difficult to arouse, dizziness.

While the symptoms of exhaustion or dehydration may be similar, rehydration is more important for dehydration than it is for exhaustion.

If person has lost consciousness, send for medical assistance and stabilize person by laying person prone without any obstructions, dry them off as best as possible, and cover them with towels or blankets as needed. Make sure the feet are not higher than the head

Unless an individual has deliberately withheld liquids from his or her body both before and during the sweatlodge ceremony or has a severe medical problem, heat stroke or severe dehydration shouldn't occur. Mild dehydration is a remote possibility and is safe to self-treat at all ages, as long as it doesn't worsen. If person hasn't lost consciousness, have person ingest water in careful, deliberate amounts, and check body temperature, breathing, eyes, and pulse.

Check body temperature

- Though the person's skin will be warm from exposure to rocks inside lodge, check with your hand the person's forehead, underarms, inner thighs, just below stomach, hands, and feet for unusually warm or cold feeling.
- If those areas are warmer than usual to your touch, gentle cool down person using a towel soaked in water.
- If those areas are cooler than usual to your touch, wrap person in dry towels and/or blankets.

Check breathing

- To help stabilize an individual, breathing should be slowly and deeply inhaled and then slowly exhaled.
- If breathing rate is raspy or shallow, continue to monitor breathing while encouraging person to breath in slowly and deeply while exhaling slowing.

Check eyes

- Eyes should be able to follow your finger as you move it
- Eyes shouldn't be glazed or unable to focus.

Check pulse

- Find pulse in wrist or neck and count "1001," "1002", etc. to simulate seconds.
- A normal pulse should be 60 to 72 beats per minute.
- If pulse is faster than 2 beats per count (120 beats per minute), continue monitoring pulse to see if it increases, remains steady, or decreases.
- If pulse is racing, especially 3 to 4 beats per second, person needs medical assistance.

If symptoms of raspy breathing, high pulse rate, abnormal body temperature, and/or light headedness don't stabilize or improve within a few minutes, seek medical assistance.

TRADITION

Does *tradition* fix customs passed from generation to generation – how to behave, how to think, what to value, how to value – as precedents for the present? Does *tradition* mix those precedents with the shifting of time and place? Is tradition rooted in both the past and present? The past is fixed, but history can be reinterpreted and reconstructed, hopefully to nurture our depth of understanding. And human needs and perceptions blossom according to time and place.

Tradition emerges from an ongoing interpretation of the past relative to the present – even by those who insist on rigid adherence to past precedents. Though tradition isn't just a core of teachings or regulations passed from past to present, tradition can't be limited to the current living "eye of the beholder." Life may be relative to the existing moment, but there remains the omnipresent objective guide of history, as recorded in writings and human memories.

Does tradition dictate how to conduct a sweatlodge ceremony? Does sweatlodge tradition dictate otherwise? How easy for folks to believe that their interaction with an old, if not ancient ritual such as the sweatlodge brings the past into the present and that this transformation of the past, as understood by people according to their circumstances, is *tradition*. But does *tradition* tolerate such transformation? Does *tradition* behave more as a verb than a noun?

Tradition is expressed by symbols, but tradition has become a significant symbol onto itself, both to validate a kinship to the past and to be a judge of what is correct for the present. The dialogue about what is *traditional* draws many perspectives rendered by the shifting relationship between history and contemporary need, between continuity and change.

The written word tends to enshrine what it describes, be it an idea, a process, a ritual, a belief. Establishing ideal structures often banishes variation and innovation. The impact of writing about sweatlodge ceremonies has been significant, giving folks reasons either to validate something or to avoid what the written word states. Interestingly, the spirit of the sweatlodge ceremony – of tradition – seems to prevail, for folks consistently move from some sort of initial contact with printed material to learning more through listening and participating.

While most sweatlodge ceremonies essentially embrace a core composition, each sweatlodge is unique. The sweatlodge has as much to do with the participants as with conventions of the past. And despite this openness to variation, the sweatlodge remains consistent in its structure and enactment: heating rocks, opening and closing the door to the lodge, pouring water, and praying through words and songs. A participant in a sweatlodge ceremony today could faithfully be part of one held a few thousand years in the past or the future.

The sweatlodge embodied what seemed an American ideal prior to the mass immigration of Europeans after 1492: rituals were bound by custom and enlivened by innovation. Tradition provided a means to return to the precedents of the past while responding to the present needs of a particular place and time. The precedents of earlier social, political, religious patterns – community values – are more faithfully transferred by and experienced in a tradition such as the sweatlodge than they are with contemporary fixed structures and institutions.

[For further insightful reading on this topic, please read Raymond A. Bucko's, *TRADITION – THE LAKOTA RITUAL OF THE SWEAT LODGE* (1999).]

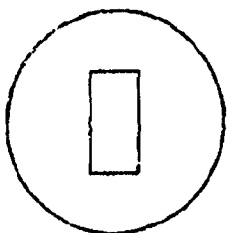
THE SWEATLODGE IS LIKE
THE CONCEPT OF A CHURCH.

THE CHURCH ISN'T A BUILDING;
IT IS THE GATHERING OF PEOPLE
TO SHARE THEIR LIVES
AND MINISTRY AND HERITAGE
WHICH EVOKE THAT INTANGIBLE POWER
OF THE PROFOUND.

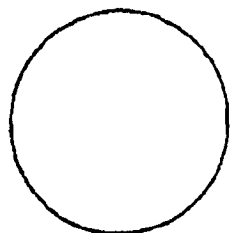
THE "CHURCH" IS MERELY A SHELL
FOR THE HEART AND SPIRIT
OF THE SACRED.

SO IT IS WITH THE SWEATLODGE.
IT IS MORE THAN A STRUCTURE
OF PROCEDURE OR TRADITION.

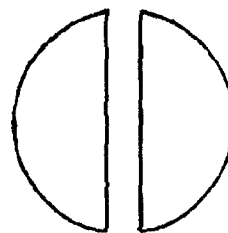
A SWEATLODGE IS
THE GATHERING OF PEOPLE
WHO SHARE THEIR LIFE ENERGIES
TO INFUSE A CEREMONY
THAT TRANSCENDS THE PROFANE
AND ENTERS THE PROFOUND.
A CEREMONY THAT SERVES THE PEOPLE
AND THAT LIVES LONGER
THAN ANY INDIVIDUAL.



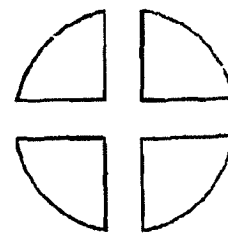
A I R



S U N

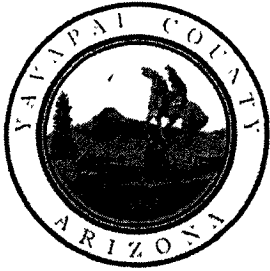


W A T E R



E A R T H

Ancient Chinese symbols



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SHEILA POLK
Yavapai County Attorney

January 7, 2011

Luis Li
Truc T. Do
Munger, Tolles & Olson L.L.P.
355 South Grand Avenue, 35th Floor
Los Angeles, CA 90071-1560

Re: State v. Ray, Disclosure of Expert Witness Reports

Dear Ms. Do and Mr. Li:

Attached is the State's 26th Supplemental Disclosure Statement disclosing the reports of expert witnesses, Rick Ross and Steven Pace. In addition to the reports of these witnesses, the State provides the following information relating to the expected scope of their testimony and the records they reviewed related to this case.

Rick Ross

Report: "Expert Witness Report," dated January 5, 2011, Bates No. 6695-6699

Materials reviewed: The State provided Mr. Ross with a copy of the PowerPoint presentation disclosed to you at Bates No. 4894-4953. Any additional materials reviewed will be determined during his interview.

Scope of Testimony: Mr. Ross will testify about all the matters set forth in his report including Large Group Awareness Training and the "Human Potential" movement. Mr. Ross will also testify about how these techniques affect the behaviors of group participants and the Defendant's use of these techniques to influence the decisions of participants to participate and remain inside the sweat lodge. Hypothetical questions will be posed as necessary.

Steven Pace

Reports: Included in the attached disclosure are the following reports/papers produced by Steven Pace:

1. "Considerations Used to Assess Program Safety," Bates No. 6700-6704
2. "The Use of Subjective versus Objective Risk in Adventure Education," Bates No. 6705-6709
3. Draft dated 12/7/10 of "Considerations Used to Assess Program Safety," Bates No. 6710-6713

Materials reviewed: The State provided Mr. Pace with a copy of the PowerPoint presentation disclosed to you at Bates No. 4894-4953. Any additional materials reviewed will be determined during his interview.

Scope of Testimony: The State intends to call Mr. Pace as a "cold expert." As such, his reports address the considerations used to assess program safety for any adventure program. During trial, the State will question Mr. Pace regarding all the matters contained in his reports and publications; the appropriate considerations that would be used to assess the program safety for the types of events at Spiritual Warrior, including the sweat lodge ceremony; and what safety measures should have been implemented for these types of activities. Hypothetical questions will be posed as necessary.

Douglas Sundling

Reports: Mr. Sundling was not asked to prepare a new report for trial and has not been formally retained as a witness. The State may call Mr. Sundling as a rebuttal witness, and reserves the right to call him in its case-in-chief. Accordingly, the State is providing information relating to his anticipated testimony. The State has previously disclosed the following reports/websites prepared by Mr. Sundling:

1. "The Sweatlodge an Interpretation," Bates No. 5687-5704
2. "Death and a Bogus Sweatlodge," Bates No. 6683-6693
3. Douglas Sundling's website as found at <http://bogus-sweatlodge.com/index.html>, disclosed in the State's 25th Supplemental Disclosure

Materials Reviewed: Mr. Sundling received the following records through Public Records Requests:

1. Search Warrants, Affidavits and Returns w/photos taken during the execution of the warrants.
2. 911 calls and radio traffic recordings
3. YCSO DR 09-040205 and Supplements 1-150
4. Indictment & Arrest Warrant
5. Redacted Autopsy Reports

Scope of Testimony: Mr. Sundling will testify about matters contained in his publications; how a sweat lodge ceremony is typically conducted; and will contrast this information with the methods used to conduct the sweat lodge ceremonies at the Defendant's Spiritual Warrior seminars. Hypothetical questions will be posed as necessary.

Dr. Matthew Dickson

Report: The State has not received the report of Dr. Dickson. We anticipate it will be received in the near future and will be disclosed immediately.

Materials Reviewed: The State provided Dr. Dickson with the following records:

1. Autopsy Reports and Notes for Kirby Brown, James Shore and Liz Neuman
2. Medical Records for Kirby Brown, James Shore and Liz Neuman
3. Medical Records for the surviving participants: Andresano, Andretti, Bivins, Brinkley, Caci, Grain R., Grimes, Mehrava, Phillips, Rainey, Ray S., Ronan, Spencer, Veguilla and Wong
4. Selected Supplements from DR 09-040205 as follows:
 - a. 2009 Spiritual Warrior: Initial DR, Supplements 1, 2, 3, 4, 9, 10, 11, 13, 14, 19, 24, 26, 28, 34, 45, 46
 - b. 2008 Spiritual Warrior: Supplements 84, 99, 119, 121, 139, 162
 - c. 2007 Spiritual Warrior: 73, 132, 133
 - d. 2005 Spiritual Warrior: 29, 44, 87, 101, 113, 114, 152
5. Dr. O'Connor's Reports on Sidney Spencer and Dennis Mehrava
6. Daniel Pfankuch's medical records from 2005
7. The YCSO PowerPoint presentation

Scope of Testimony: Although the State has not yet received Dr. Dickson's report, the State anticipates Dr. Dickson will provide his opinion about the cause of death of the victims; all matters set forth in his report; death caused by heat; and the cause, symptoms and treatment of heat-related illnesses. Hypothetical questions will be posed as necessary.

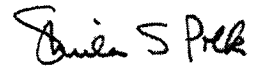
Interview Requests

Please provide Penny Cramer, my assistant, with multiple dates in January of your availability for the interviews of the listed experts and indicate whether you want to conduct the interviews telephonically or in person.

Luis Li & Truc Do
January 7, 2011
Page Four

If you have any questions or need anything further, please do not hesitate to contact me.

Very truly yours,

A handwritten signature in black ink, appearing to read "Sheila S Polk". The signature is written in a cursive, flowing style.

Sheila Sullivan Polk
Yavapai County Attorney

MUNGER, TOLLES & OLSON LLP

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January 14, 2011

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TRUC T. DO
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E. LEROY TOLLES
(1922-2008)

A PROFESSIONAL CORPORATION

VIA EMAIL

Sheila Polk
Yavapai County Attorney's Office
255 East Gurley Street
Prescott, Arizona 86301

Re: State v. James Arthur Ray

Dear Sheila:

I am writing in response to Bill's letter of January 12 regarding Dr. Paul's report and to inquire about the State's intention with respect to its expert, Douglas Sundling.

Dr. Paul's 8-page report contains his completed analysis and conclusions with respect to the State's evidence on cause of death. *See* Ariz. R. Crim. Proc. 15.2(c)(2) and 15.2(e) (requiring disclosure of "completed" expert work). We will promptly supplement disclosure if Dr. Paul completes any further work and reaches further conclusions.

In the State's 26th disclosure and letter of January 7, 2011, the State indicated that it has not "formally retained [Mr. Sundling] as a witness" and that the "State may call Mr. Sundling as a rebuttal witness, and reserves the right to call him in its case-in-chief." Given the very tentative nature of the State's intention to call Mr. Sundling, it appears that we may be incurring unnecessary expense in traveling to Indiana to interview Mr. Sundling and taking up valuable judicial resources in filing a motion to preclude or limit Mr. Sundling's testimony at trial.

Judge Darrow indicated in yesterday's status conference that he would like for the parties to make a good faith and earnest effort at identifying the parameters of its case and providing full disclosure to avoid surprises at trial. Could you provide us with more certainty as

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MUNGER, TOLLES & OLSON LLP

Sheila Polk

January 14, 2011

Page 2

to whether the State intends to call Mr. Sundling in its case-in-chief so that we can assess the need for a defense interview and motion regarding Mr. Sundling?

If you have any questions, please feel free to contact me. Thank you in advance for your professional courtesy and cooperation.

Sincerely,

A handwritten signature in black ink, appearing to read "Truc T. Do". The signature is fluid and cursive, with the first name "Truc" and last name "Do" clearly distinguishable.

Truc T. Do

Seifter, Miriam

From: Do, Truc
Sent: Friday, January 14, 2011 6:24 PM
To: Bill Hughes; Penny Cramer; Sheila Polk; Ross Diskin; Penny Cramer
Cc: Li, Luis; Seifter, Miriam; Thomas K. Kelly; Tamra S. Kelly; Steven Sisneros; Kathy Durrer
Subject: RE: RAY - Need response (Interview of Doug Sundling)

Bill,

Thank you for the fast response. Based on the State's withdrawal of Mr. Sundling for its case-in-chief, we will not be requesting an interview of Mr. Sundling. Penny, thank you for your efforts. Should the State call Mr. Sundling in rebuttal, we would ask for reasonable notice to determine whether an interview and/or motion is appropriate at that time.

Best, Truc

From: Bill Hughes [mailto:Bill.Hughes@co.yavapai.az.us]
Sent: Friday, January 14, 2011 4:35 PM
To: Do, Truc; Penny Cramer; Sheila Polk; Ross Diskin; Penny Cramer
Cc: Li, Luis; Seifter, Miriam; Thomas K. Kelly; Tamra S. Kelly; Steven Sisneros; Kathy Durrer
Subject: RE: RAY - Need response (Interview of Doug Sundling)

Truc, we no longer intend to call Mr. Sundling in our case in chief.

From: Do, Truc [mailto:truc.do@mto.com]
Sent: Friday, January 14, 2011 5:24 PM
To: Penny Cramer; Sheila Polk
Cc: Li, Luis; Seifter, Miriam; Thomas K. Kelly; Tamra S. Kelly; Bill Hughes; Steven Sisneros; Kathy Durrer
Subject: RE: RAY - Need response (Interview of Doug Sundling)
Importance: High

Sheila and Penny,

Please see attached letter. Thank you.

Truc

From: Penny Cramer [mailto:Penny.Cramer@co.yavapai.az.us]
Sent: Friday, January 14, 2011 3:40 PM
To: Do, Truc
Cc: Li, Luis; Seifter, Miriam; Thomas K. Kelly; Tamra S. Kelly; Sheila Polk; Bill Hughes; Steven Sisneros; Kathy Durrer
Subject: RAY - Need response (Interview of Doug Sundling)
Importance: High

Ms. Do

Are you planning on interviewing Doug Sundling on January 19th as scheduled? Please advise as soon as possible as we are trying to make airline reservations today for next week.

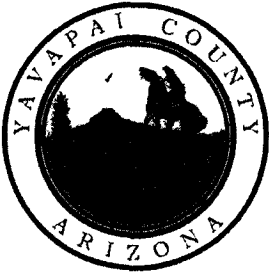
Thank you

4/21/2011

Penny

Penny Cramer, Administrative Assistant
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4/21/2011



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SHEILA POLK
Yavapai County Attorney

March 10, 2011

Luis Li
Munger, Tolles & Olson L.L.P.
355 South Grand Avenue, 35th Floor
Los Angeles, CA 90071-1560

Re: State v. Ray, Notice of Intent to Call Douglas Sundling

Dear Mr. Li:

On January 7, 2011, the State notified you that Douglas Sundling was a potential rebuttal witness. We also reserved the right to call him in the State's case-in-chief. Accordingly, the State disclosed all materials received by Douglas Sundling through public records requests. The State has not provided any additional materials to Mr. Sundling and has not formally retained him as a witness. In anticipation of calling Mr. Sundling, the State has formally disclosed various documents prepared by Mr. Sundling as well as the location of his website addressing the sweat lodge ceremony during Spiritual Warrior. We have no additional disclosure with respect to the Mr. Sundling.

Because of the issues you raised in opening, the State has now determined that Mr. Sundling's testimony is relevant and we plan to call him as a witness in the State's case-in-chief. We anticipate that Mr. Sundling will testify about how to conduct a ceremony in a sweat lodge and the role and the responsibilities of the facilitator.

If you wish to interview him, please let us know and we will make arrangements. If you have any questions or need anything further, please do not hesitate to contact me.

Very truly yours,

A handwritten signature in black ink, appearing to read "Sheila S Polk".

Sheila Sullivan Polk
Yavapai County Attorney

Seifter, Miriam

From: Sheila Polk [Sheila.Polk@co.yavapai.az.us]
Sent: Tuesday, May 03, 2011 9:30 AM
To: Li, Luis
Cc: Do, Truc; Seifter, Miriam; tkkelly@kellydefense.com; Penny Cramer; Bill Hughes; Kathy Durrer; Ross Diskin
Subject: RE: JPEGS and witness lists

Dear Luis,

Thank you for your efforts to identify by jpeg numbers the photos. We will print new photos of all the exhibits that appear to be sub-par and show them to you tomorrow. I hope the parties can then agree as to which photos can be substituted as exhibits.

The State intends to call the following witness:

Dr. Mosley
Dawn Sy
Steve Page
Dr. Matthew Dickson
Det. Frank Barbaro
Sarah Mercer
Lisa Rondan
Dr. David Kent
Mark Rock
Kim Brinkley
Danielle Granquist
Doug Sundling

We may call:
Sydney Spencer
Dawn Gordon
Sean Ronin

We reserve the right to call any of the State's witnesses not listed above

Sheila Polk
Yavapai County Attorney
255 East Gurley
Prescott, AZ 86301
(928) 777-7352

From: Li, Luis [mailto:Luis.Li@mto.com]
Sent: Tuesday, May 03, 2011 9:23 AM
To: Sheila Polk; Penny Cramer; Bill Hughes
Cc: Do, Truc; Seifter, Miriam; tkkelly@kellydefense.com
Subject: JPEGS and witness lists

Dear Sheila and Bill,

We were not able to reverse engineer the jpeg numbers from the our display program this weekend. Part of the problem is that there is no obvious "techie" way to do it and it may have to be done "manually "

5/3/2011

Since I think we are really only talking about 10-15 photos, I think the best way to proceed is for you to supply the exhibit numbers that you all think are poorly printed and we'll try to figure out what the jpeg numbers are

On another note, since we seem to be coming close to the end of the State case, we would appreciate your final witness list. Obviously, this will aid in scheduling, among other things, the defense case and any motions practice that the parties may contemplate.

If we can get the information from you regarding exhibit numbers and a witness list as soon as possible, we should be able to make at least some productive use of the day. Thanks in advance.

Best,
Luis

5/3/2011

<p>37</p> <p>1 who is charge able with the statement If it's not</p> <p>2 /AOFRD for the truth n fact it's too high too low</p> <p>3 who knows As far as I know there are no industry</p> <p>4 standards on building a sweat lodge That part the</p> <p>5 substantive The other thing to who is it</p> <p>6 attributable to</p> <p>7 MS POLK I can lay the foundation If it's</p> <p>8 not this witness who had that conversation then I</p> <p>9 would move on I can lay the foundation who had</p> <p>10 the conversation who it was and then what was said</p> <p>11 MS DO Your Honor this was already /KWOFRD</p> <p>12 on directs We know there is no foundation</p> <p>13 Mr Ray did not speak to him about it Just asking</p> <p>14 the foundation /TPHRAL questions suggests again</p> <p>15 it's /A a statement attributable to Mr Ray after</p> <p>16 the court heard failed to ear This has already</p> <p>17 been covered on direct</p> <p>18 THE COURT Sustained /EFPBO bench</p> <p>19 THE COURT Ms Polk</p> <p>20 MS POLK Thank you, Your Honor</p> <p>21 Q BY MS POLK Who was it Mr Hamilton who</p> <p>22 you hired in 2008 to oversee the design in</p> <p>23 construction of the sweat lodge?</p> <p>24 A David Singing Bear</p> <p>25 Q And do you recall the question by Ms Do</p>	<p>39</p> <p>1 A I do</p> <p>2 Q And what is it?</p> <p>3 A It's our complaints against James Ray</p> <p>4 Q And do you recall when Ms Do read to you</p> <p>5 from paragraph 12 of the complaint during your</p> <p>6 cross-examination?</p> <p>7 A I do yes</p> <p>8 Q I would just have you read to the jury</p> <p>9 the rest of that first sentence?</p> <p>10 A Okay In September 2008 Angel Valley</p> <p>11 general manager Gary Palisch contracted with Dawd</p> <p>12 Singing Bear a full blooded Native American to</p> <p>13 design and oversee the construction of the sweat</p> <p>14 lodge to accommodate 75 people As per defendants</p> <p>15 instruction</p> <p>16 Q Who is the defendant in this lawsuit?</p> <p>17 A James Ray</p> <p>18 MS DO Your Honor I have no objections to</p> <p>19 the admission of eight 84 if counsel wishes</p> <p>20 THE COURT Did you want to agree to any</p> <p>21 further admssion</p> <p>22 MS POLK Your Honor may I have time to look</p> <p>23 at that and address that</p> <p>24 THE COURT Yes, you may</p> <p>25 Q BY MS POLK Mr Hamilton what is the</p>
<p>38</p> <p>1 whether it was David Singing Bear that determined</p> <p>2 the diameter the overall width the /MEUD the of the</p> <p>3 door the location of the petition for the heated</p> <p>4 rocks do you recall that question?</p> <p>5 A I do</p> <p>6 Q Are you aware of any industry standards</p> <p>7 for the construction of a sweat lodge?</p> <p>8 A No</p> <p>9 Q Are there any?</p> <p>10 A Not to my knowledge</p> <p>11 Q How many people was that sweat lodge</p> <p>12 constructed in 2008 built to accommodate?</p> <p>13 A 75</p> <p>14 Q And at whose request?</p> <p>15 MS DO Same objection, Your Honor hearsay</p> <p>16 foundation</p> <p>17 THE COURT Sustained</p> <p>18 Q BY MS POLK Your Honor pursuant to rule</p> <p>19 106 as I had noted during the /KROGS I would like</p> <p>20 to have Mr Hamilton read from the paragraph of a</p> <p>21 complaint?</p> <p>22 THE COURT Correct</p> <p>23 Q BY MS POLK Mr Hamilton I'm going to</p> <p>24 show you what's been marked as exhibit 884 Do you</p> <p>25 recognize what this is?</p>	<p>40</p> <p>1 purpose of a sweat lodge What is the purpose of</p> <p>2 the lodge itself, the sweat lodge container?</p> <p>3 MS DO Objection, Your Honor foundation</p> <p>4 THE COURT Sustained as to foundation</p> <p>5 Q BY MS POLK With respect to the design</p> <p>6 of the sweat lodge, its size it's diameter, the</p> <p>7 distance from the floor to the ^ ceiling ^ sealing,</p> <p>8 those are all things that as the owner of Angel</p> <p>9 Valley you /OER oversaw when you hired the vancous</p> <p>10 could not /SUL /TAPBS in 2007 and 2008?</p> <p>11 A Yes</p> <p>12 Q And what is the purpose of the design of</p> <p>13 a sweat lodge?</p> <p>14 MS DO Same objection, Your Honor</p> <p>15 foundation.</p> <p>16 THE COURT If you can answer that from your</p> <p>17 knowledge you may do so If you can't let the</p> <p>18 attorney know</p> <p>19 THE WITNESS For my knowledge a sweat lodge</p> <p>20 design is based upon creating a container that heat</p> <p>21 can be generated within it The in /TEPBTD of the</p> <p>22 shape from my knowledge and from my limited</p> <p>23 awareness is it creates the feeling of a woman for</p> <p>24 rebirth /-G for reprocessing ^ for</p> <p>25 going ^ foregoing deep in the dark and that so it</p>

Douglas Sundling
P O Box 58
Bluffton, IN 46714
doug@dougsundling.com
Cell Phone 260-273-9607

10 January 2011

Shelia Polk, County Attorney
Yavapai County Criminal Justice and Detention Center
255 East Gurley Street
Prescott, AZ 86301

Dear Ms Polk,

Having returned to Indiana this past Sunday, I want to thank you for the opportunity to share an engaging dialogue with the four of you during our Friday, Dec 17 meeting

To echo your statement toward the end of our meeting, I am reassured you are pursuing the prosecution of this incident at Angel Valley for what it was and is. Trust your intuitions about what James Ray did, knowing what he designed and executed wasn't a sweatlodge. The only relationship the sweatlodge has to this tragic incident is the unfortunate mislabeling of a sweat ceremony designed and executed by James Ray to be an extreme endurance test. And I don't reference this incident as a sweatlodge, but rather as a sweat ceremony or an extreme endurance test.

My contrasting the inherent safety features of traditional sweatlodges to the nontraditional features in Mr Ray's Spiritual Warrior sweat ceremony reveals how he failed to provide proper safety for what was an extremely risky endurance test. How he promoted the event and the previous history of the event only underscore Mr Ray's negligence of the risks he had designed to be part of his sweat ceremony. As you indicated, a similar argument can be framed using common sense without referencing sweatlodges.

I don't believe that either Mr Ray or his defense can present any precedent for Mr Ray's Spiritual Warrior sweat ceremony. This sweat ceremony was designed and executed by Mr Ray as his singularly unique event. Therefore, he is responsible for all the features of the ceremony - the size of the lodge, the coverings, the number and duration of rounds, the amount of rocks and water used, the support help, and so on. And the testimony gathered by the YCSO affirms this. Our meeting reassured me you have reached the same conclusions.

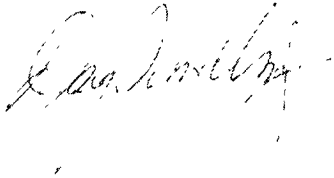
Talking with you left me with the impression Mr Ray's defense will not find anyone who will offer collaborative testimony for Mr Ray's so called "sweat lodge". Steve (I apologize for not remember his last name) and Bill Hughes poised the possibility that someone could so testify or that such "sweat lodges" take place at events like Burning Man. But it is one thing to boast and promote one's own individually designed and executed sweatlodge-inspired ceremony at a Burning Man-like festival, it is quite another to do so in a courtroom.

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If Mr Ray does reach a plea agreement with your office, I hope the agreement doesn't reference this incident as a sweatlodge, but does prohibit Mr. Ray from ever organizing and staging any sort of activity or event where he or his employees are responsible for the well-being of others outside of a seminar type event. And it would be egregious if he were somehow to make money from talking or writing about his Spiritual Warrior sweat ceremonies.

Over the years, I have shared sweatlodges with many folks like those who attended James Ray's Spiritual Warrior retreat. I also have experienced being a victim of someone else's negligence or deliberate intent, both criminal and civil. If Mr Ray is convicted or accepts a plea agreement, I hope the families of Kirby Brown, James Shore, and Liz Neuman have an opportunity to express themselves to Mr Ray face-to-face.

May your dedication to administer the law render the justice warranted by this unfortunate incident.

A handwritten signature in dark ink, appearing to read "Dan Smith". The signature is fluid and cursive, with a long horizontal stroke extending to the right.